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E. W. Leakey, P. L. 159.

THE
CONSTABLE'S POCKET BOOK.

A CONCISE MANUAL
OF
POLICE DUTY & CRIMINAL LAW,

BY
T. O. HASTINGS LEES, M.A.,
BARRISTER-AT-LAW.

Fifteenth Edition.

BY
FRANK P. TYRRELL,
SOLICITOR,
Clerk to the Justices, Weston-super-Mare.

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PREFACE TO THE FIFTEENTH EDITION.

IN presenting a new edition of this well known manual, the original scheme has been adhered to as far as possible, but it has been thought advisable to omit references to legal decisions with which sergeants and constables are really not concerned and also to avoid all cross-references.

It will, of course, be apparent that in a small work it is impossible to deal fully with many matters, but it is believed that the information given in the new edition will prove of the greatest value to those concerned.

A number of important statutes have been passed since the last edition was published, notably the Criminal Justice Administration Act, 1914, and references to such Acts will be found under the respective headings.

F. P. T.

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INTRODUCTION.

SECTION I.

POLICE IN COUNTIES.

Police forces were established in counties under the County Police Acts, 1839 and 1840. The establishment of county forces was made compulsory by the County and Borough Police Act, 1856. These and subsequent Acts—passed in 1859, 1865, and 1890—provide for the appointment, pay, government, superannuation, &c., of the constabulary, and the superannuation of the police is now provided for under the Police Acts, 1890, 1893, and 1909, and the Police (Superannuation) Acts, 1906 and 1908.

Prior to the establishment of police forces the duties of constables were discharged by parish constables, special constables, watchmen, &c.

The Acts regulating the appointment of “special” constables are the Special Constables Acts, 1831, 1835, 1838, and 1914, and a special chapter is devoted to the subject with regard to both counties and boroughs.

Under the County Police Act, 1840, “additional” constables may be appointed

on the application and at the expense of private individuals, and the Special Constables Act, 1838, and the Canals (Offences) Act, 1840, provide for the appointment of constables on public works and on canals and navigable rivers.

The appointment of "parish constables" (provided for by the Parish Constables Acts, 1842, 1844, and 1850), is restricted by the Parish Constables Act, 1872, and no parish constable can now be appointed except as therein provided.

APPOINTMENT, &C., OF CONSTABLES.

Appointment, &c.—The appointment of chief and petty constables is provided for by the County Police Act, 1839.

The discipline of the force is in the hands of the chief constable who is responsible to the Standing Joint Committee, and Section 26 of the Police Act, 1859, empowers a chief constable of a county to suspend a constable or fine him not exceeding one week's pay or reduce him in rank by way of punishment.

Resignation without leave, neglect of duty, failure to deliver up clothing and accoutrements on discharge are offences. Other offences are :—

Personation of constable.

Harbouring a constable on licensed premises whilst on duty.

Having in possession without satisfactory explanation clothing of a county constable, or assuming the dress or name or designation of constable for obtaining admission to a house or for any unlawful purpose.

POWERS AND DUTIES OF CONSTABLES.

Authority and Jurisdiction.—Police have only authority in the county or district for which sworn in ; if called upon to act elsewhere they must be sworn in for the fresh district (but this course is not necessary in cases where one police force is rendering assistance to another force in a special emergency or under any exceptional circumstances as provided by section 25 of the Police Act, 1890), or be provided with a warrant properly “backed.”

In case of “fresh pursuit” police can follow offender to seven miles from confines of jurisdiction.

Reciprocal Powers.—Under the County and Borough Police Act, 1856, constables of every county have in all boroughs (situated wholly or in part within such county) the same powers and privileges as constables appointed for such boroughs have and are liable to within any such county.

Exemptions and Prohibitions.—Under section 1 of the County Police Act, 1840, police are exempt from payment of toll when on duty in uniform, whilst under the Act of 1839

constables appointed under that Act are restrained from undertaking other employment for hire or gain and are exempt from serving on juries or in the militia.

Voting.—Under the Police Disabilities Removal Acts, 1887 and 1893, the statutes disabling constables from voting at Parliamentary and other elections were removed so that constables are now entitled to vote at elections. A constable on duty at a polling station on the day of election may vote upon obtaining from the chief constable within seven days before the election a certificate as provided by section 9 of the Act of 1887.

Liabilities.—Constables are liable to fine or imprisonment for neglect or violation of duty.

Actions—A constable is entitled to a month's notice of action taken against him, and action must be commenced within six months after the act, default or neglect complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof.

DEMEANOUR, DEPARTMENT, &c.

It is of great importance that the police force should be respected by the public. Members of the force should act in the discharge of their various duties with the utmost forbearance, truthfulness, and civility towards

all classes of His Majesty's subjects, remembering that as the security of persons and property is entrusted to their keeping and the maintenance of public tranquillity confided to their care, they should at all times set an example in their own persons of order, sobriety, integrity, and propriety of conduct.

Every member of the force is to receive the lawful commands of his superior officers with deference and respect and to execute them without delay. The lawful orders and commands of magistrates are to be at once obeyed. magistrates are always to be saluted when met, and a constable whilst addressing a magistrate or when giving evidence in a court of law, should stand in an upright and respectful manner. He should always reply courteously and respectfully to any questions asked him by persons seeking information, and he will best recommend himself to the respect and confidence of those amongst whom he is stationed by a conciliatory and forbearing manner.

“To be exercising austere authority upon every little occasion that may call for his interference will be to excite the ill-feeling of all observers, whilst the exhibition of good-tempered forbearance and friendly persuasion will not only enlist their sympathies, but in the end will greatly assist him in fulfilling those numerous and useful duties which the law of the country has charged him to execute.” (“Sanders’ Police Acts.”)

MAXIMS FOR CONSTABLES.

Constables are placed in authority to protect, not to oppress, the public. They should be impartial in the discharge of their duties, discarding all political and sectarian prejudices. A constable should avoid altercations and command his temper under insult or provocation. He should never strike but in self-defence, nor treat a prisoner with unnecessary rigour. He must practise the most complete sobriety. He should never sit down in a public-house or beer shop. He must exhibit deference and respect to the magistracy, and treat all classes of the community with the utmost civility. He must promptly and cheerfully obey his superior officers. He should always be perfectly neat and clean in person and attire. Every man should devote some portion of his spare time to the practice of reading and writing and preparation of reports, as ignorance is an insuperable bar to promotion.

SECTION II.

BOROUGH CONSTABLES AND TOWNS POLICE.

The following information applicable to borough forces is, at the request of a borough official, specially inserted.

Borough forces were originally established under the Municipal Corporations Act, 1835. This Act was repealed by the Municipal Corporations Act, 1882. Part IX. of such Act contains provisions regarding the appointment, &c., of police in boroughs. The County and Borough Police Acts, 1856 and 1859, also contain provisions relating to borough police.

Appointment.—Under section 191 of the Municipal Corporations Act, 1882, the watch committee of a borough is empowered to appoint constables and frame regulations for their government. The committee or any two justices can suspend or dismiss the constables so appointed, but nothing contained in the section is to interfere with the operation of the County Police Act, 1840.

Powers.—Section 191 provides that a borough constable shall be sworn in before a justice having jurisdiction in the borough, and when so sworn shall have, within the borough, in the county in which the borough is situated, and in every county *within seven miles* from any part of the borough and in all liberties in any such county, all such powers and privileges, duties and responsibilities as any constable has and is liable to for the time being in his constablewick at common law or by statute, and shall obey the lawful commands of a justice having jurisdiction in the borough or county in which the constable is called on to act.

Apprehension.—Under section 193 a borough constable may while on duty apprehend any idle or disorderly person disturbing the public peace, or whom he may suspect of intention to commit a felony.

Neglect of Duty.—Section 194 provides that if a borough constable is guilty of neglect of duty, or of disobedience to a lawful order, he

shall be liable to be imprisoned for not exceeding ten days or to a fine of not exceeding 40s., or to be dismissed.

Assaults.—Under section 195 any person who assaults or resists a constable whilst in the execution of his duty or aids or incites any person to assault or resist shall be liable to a penalty of not exceeding £5.

Special Constables.—Borough Justices are required by section 196 in October in every year to appoint so many persons as they think fit to act as special constables when required by the warrant of a justice, which warrant must recite that in the opinion of the justices the ordinary police force of the borough is insufficient at the date of the warrant to maintain the peace of the borough.

The following general statement with regard to special constables may be of interest.

As has already been pointed out, the Acts regulating the appointment of special constables are the Special Constables Acts, 1831, 1835, 1838, and 1914, and the Municipal Corporations Act, 1882, the last named dealing only with borough special constables.

Under the earlier Acts it was necessary in order to justify the nomination and appointment of special constables that some credible witness should make a deposition upon oath that a tumult, riot, or felony had taken place,

or might be reasonably apprehended, and if justices were of opinion that the ordinary peace officers were not sufficient for the preservation of the peace and the security of property, they might nominate and appoint householders and other persons not exempt from serving as constables, residing in their jurisdiction (or if willing to act though not so residing), to act as special constables for such time and in such manner as to such justices should seem necessary, and provision was made for payment of special constables at the rate of 3s. 6d. for each day on which they were called upon to serve.

The persons so appointed were to take the prescribed oath (now a declaration under the Promissory Oaths Act, 1868) and the appointment and circumstances rendering the appointment necessary were to be notified to a Secretary of State and the Lord Lieutenant of the county. Penalties are provided against persons refusing to serve.

On the 28th August, 1914 (probably in consequence of it not being possible in some places to get a deposition made as provided by the Act of 1831, although it was advisable to appoint special constables) the Special Constables Act, 1914, was passed giving power to the King in Council to make regulations with respect to the appointment of special constables appointed during the war under the Act of 1831 or under section 196 of the

Municipal Corporations Act, 1882 (relating to special constables in boroughs) such regulations to provide:—

(a.) That the power to authorise the nomination and appointment of special constables under the Act of 1831 may be exercised although a tumult, &c., had not taken place and is not immediately apprehended.

(b.) That any special constables to which the regulations apply shall in the execution of their duty act under such direction as may be specified in the regulations; and

(c.) For the application to special constables to which the regulations apply or any of the provisions of the Police Acts, 1839 to 1910 (including those relating to the grant of allowances or gratuities to constables injured, and to the dependents of constables killed in the execution of their duty), subject to such modification as may be specified in the regulations; and

(d.) For giving validity and effect to the appointment of special constables, or any other action taken with respect to special constables, since the commencement of the present war, but before the regulations are made; and

(e.) For such supplemental and ancillary matters as may be necessary or expedient for the purpose of giving full effect to the regulations.

In accordance with the above provisions an Order in Council entitled the Special Con-

stables Order, 1914, was made on September 9th, 1914, under which special constables may be appointed by way of precaution although no riot or tumult may have occurred or be actually apprehended, and such constables are to be appointed not as heretofore for parishes or townships, but for police areas, under the control of the Chief Officer of Police, in whom is vested the power of dismissal or suspension; the expenses to be paid out of the Police Fund.

Provision is also made for the grant of allowances to special constables injured in the execution of their duty, and to the widows and children of special constables killed in the execution of their duty.

The rate fixed as daily allowance to special constables injured in the execution of their duties is five shillings.

The powers and authority of a special constable are the same as an ordinary constable, as are also his duties and responsibilities when serving.



PART I.

CHAPTER I.

CRIME AND CRIMINAL INVESTIGATION.

1. Every individual appointed to a police force ought seriously to consider the totally new position in which he is placed by his admission into the constabulary. He is by virtue of his office authorized and required to maintain the public peace, and to bring to justice those by whom it is infringed; but while the law confers upon a constable powers of arrest for certain offences, it at the same time requires that he shall exercise such powers legally and with proper caution.

Every constable should therefore at once make himself acquainted with the nature of those offences of which he is bound to take cognizance, ascertaining under what circumstances he can and ought to interfere with the liberty of others, and what circumstances permit of procedure by information and summons, a course which, as it does not interfere with the liberty of the subject, and no question can be raised as to the legality of the

process, should, when practicable, be adopted in trifling cases and minor offences.

The following information on these subjects is given for the instruction and guidance of men appointed to police forces :—

CRIMES AND OFFENCES.

2. The object and end of a police force is the prevention of crime and the detection of offenders.

The constabulary are a preventive as well as a repressive force, and they should ever bear in mind that the prevention of crime is of even greater importance than the punishment of criminals.

3. Crimes and offences may be classified under four heads, namely :—Treasons, Felonies and Misdemeanours, and Minor Offences.

4. Treasons principally consist of crimes against the person of the Sovereign and the Government.

Felonies are crimes which are such by common law or are declared such by statute. Amongst the more serious felonies are murder, wounding with intent to do grievous bodily harm, arson, burglary, forgery, coining, assault with intent to rob, cattle stealing.

Persons guilty of felony are called felons.

A constable's power of arrest is greater in cases of felony than in those of misdemeanour.

5. "Misdemeanours" are crimes or offences of less serious character than felonies, such as sedition, libel, assaults, riots, frauds, obtaining goods or money by false pretences, &c.

6. Minor offences include breaches of the law other than treasons, felonies and misdemeanours.

7. Under the Summary Jurisdiction Act, 1879, and other Acts, magistrates are able to deal *summarily* with many cases of felony, &c., formerly triable only at quarter sessions or assizes.

8. Definitions of various crimes and offences are given under the different headings.

CRIMINAL INVESTIGATION.

9. In all cases of outrage the constable to whom the outrage is reported should at once visit the scene and make immediate enquiry, taking such steps as the nature of the case appears to demand.

If the case is one of murder, burglary, or other serious crime, the constable should at once send a messenger to inform his superior officer, he himself continuing his enquiries on the spot. The messenger should be directed to inform all constables on the road, as it is desirable that the intelligence should be spread as widely and speedily as possible.

10. In cases of murder the constable should, if practicable, at once call in a surgeon to

examine the body. The position in which the body is found should be carefully noted. Search should be made for any instrument with which the murder may have been committed. The motive should, if possible, be ascertained, and immediate enquiry made regarding any person or persons suspected.

11. In cases of burglary or housebreaking special notice should be taken of the manner in which an entrance has been effected, with a view to ascertaining whether the outrage has been perpetrated by persons acquainted with the place or by strangers. Enquiry should be made at public-houses, railway stations, &c., to ascertain whether any suspicious persons have been seen about. An accurate description of the articles stolen should be taken and at once circulated, copies being sent to the police in neighbouring towns for their information and for the information of pawnbrokers and others.

Careful search should be made of all adjoining premises, outhouses, sheds, &c., for traces of the thieves or of the stolen property. The ground under the windows and around the house should be closely examined, and if footmarks be found they should be measured and securely covered with boards, or other means of protection, in order to preserve them.

12. In cases of fowl or sheep stealing careful search should be made at gateways, gaps in hedges, &c., for tracks or traces of feathers, wool, &c.

In cases of fowl stealing the property is frequently hidden by the thieves in adjoining fields or premises and subsequently removed.

Hidden Property.—Should property so hidden be discovered it should on no account be removed, but carefully watched. Persons observed carrying property in bags or bundles at night or during the early hours of the morning should be carefully watched. If circumstances warrant it they may be stopped, and questioned, and the property examined.

13. In cases of arson it will generally be found that the incendiary, viz., the person setting fire to the house or property, bore some malice or ill-will to the owner, although cases of incendiary fire sometimes occur where stacks of corn, &c., are set on fire by persons bearing no ill-will to the proprietor, but actuated merely by wantonness and mischief. Occasionally cases occur in which persons in needy circumstances set fire to their own property in order to gain the amount of money for which it is insured, and which in such cases is usually beyond the value of the property insured.

In cases of fire a close watch should be kept on the movements of pickpockets and any suspicious persons observed in the crowd. Care should be taken to prevent their gaining access to the premises for the purpose of carrying off portable property.

14. Pickpockets at races, fairs, &c., should be closely watched by the police. Officers

employed on this duty should wear plain clothes.

15. In cases where counterfeit coins or medals, &c., are believed to have been uttered or tendered, efforts should be made to obtain possession of coins tendered or uttered or medals believed to be spurious. They should be marked so that they can afterwards be identified, and, if possible, they should be tested. The offenders should, if the circumstances warrant that course, be at once apprehended and immediately searched to ascertain if they have any other coins in their possession, and a full report of the facts should be made as speedily as possible to the Director of Public Prosecutions.

16. In cases of "Concealment of Birth" it is necessary to prove that the accused was delivered of a child and the dead body found must be identified as that of the child of which the woman is alleged to have been delivered. As, in order to sustain the charge it is necessary to shew that there was a "secret disposition of the dead body," it is desirable that the supposed mother should be examined by a doctor, but a constable has no authority to subject her to such an examination unless she consents. It is desirable to obtain a warrant before arresting.

17. Rape.—In cases of rape the constable should arrest the person charged, and bring

him and the woman before a magistrate, and also, without delay, *if she consents*, have her person examined by a doctor.

18. Regarding the identification of stolen property recovered, it will (where the nature of the article admits) materially strengthen the identification if the article to be identified be placed among others of a similar character and the owner be then asked to point out his own property.

19. In comparing footmarks, it should be borne in mind that the comparison is *not* to be made by placing the boot or shoe *over* the footmark which has been discovered, but by making a *new impression* by the side of it.

The comparison should also be made with the boots or shoes of both feet, and several of those comparisons should be made, and if possible, in the presence of witnesses; the corresponding peculiarities of the boots or shoes with the footmarks discovered should be pointed out and immediately committed to paper. A model may be taken of a footmark by running plaster of Paris into it, and allowing it to set.

A mere similarity in the sole of a boot or shoe, with a footmark, is of little or no value in evidence; a striking peculiarity must be detected to render such resemblance valid, such as the loss of a nail, or nails, of a plate, or a piece of a plate, or some other peculiarity or corresponding irregularity, which may

identify beyond doubt the footmarks with the boots or shoes compared with them.

IDENTIFICATION OF PRISONERS.

The identification of prisoners is a matter of the gravest importance and complaints have from time to time been addressed to the Home Secretary to the effect that the arrangements in connection with the identification of prisoners have been unfair and calculated to predispose the witnesses to pick out the man whom the police suspected. In consequence of such complaints the Secretary of State issued in July, 1905, a circular letter upon the subject, to which was appended the Metropolitan Regulations, which are as follows:—

Where it is necessary to effect the recognition of an accused in police custody by persons competent to identify him, every precaution will be taken that such identification is carried out fairly, the following directions being carefully observed:—

- (a.) The officer in charge of the case against the prisoner, though present, will take no part in the particular proceedings connected with the identification, which will be carried out by the officer on duty in charge of the station or court.
- (b.) The witnesses must not be allowed to see the prisoner before he is placed with others for the purpose of identification, nor should they be shown photographs or be

assisted by verbal or written description of him.

- (c.) Before the witnesses are brought into the presence of the prisoner he should be placed among a number of persons, eight or more, if practicable, for purposes of identification. In selecting such persons care is to be taken that they are as far as possible of similar age, height, general appearance, and class of life as the prisoner. Police officers must not be utilised for this purpose.
- (d.) The accused should then be invited to stand where he pleases among them and not be allotted to a special position. He will also be asked if he has any objection to take to any of the persons or arrangements made. If he desires to have present at the identification, his solicitor, or any friend actually in attendance, no objection is to be made by the police, whose chief care it must be to see that the proceedings are so conducted that it cannot be subsequently alleged that they were otherwise than fair and straightforward.
- (e.) The witnesses should then be introduced one by one for the purpose of recognising the accused, and they should be asked to touch the person they identify. On leaving they will not be allowed to communicate with other witnesses who

are in waiting. The accused is to be permitted to change his position if he so desires after each witness has left.

- (f.) Every circumstance connected with the identification is to be carefully noted down by the officer who carries it out, whether the accused be identified or not, and care must be taken when a witness fails to recognise the accused that the fact is recorded as carefully as when he is identified, the names and addresses of those who fail to identify, as well as those who identify, being taken down. Any statement made by the prisoner should be recorded at once and read over to the officer in charge of the case in the prisoner's hearing. The prisoner is to be invited to sign such statement.

- (g.) The officer carrying out the identification will make an entry of the same in the Occurrence Book as soon after as possible.

The points in such regulations to which the Secretary of State attached special importance were those lettered (a), (b), (c), and (e).

IDENTIFICATION OF CRIMINALS BY FINGER PRINTS.

In July, 1901, an alteration was made in the method adopted for the identification of prisoners. The taking of measurements was discontinued, and the method of identification by finger prints alone was introduced. All

necessary information on the subject can be obtained at New Scotland Yard, and a full account of the system is contained in a book by Sir Edward Henry, Commissioner of Police for the Metropolis, entitled "Classification and Uses of Finger Prints."

A form is in use at New Scotland Yard showing particulars of name, age, height, complexion, &c., of "suspect" or prisoner; also details of "measurements" (head, face, fingers, foot), but "measurements" only are to be taken when the form is sent to the Hab. Crim. Registry for purposes of search. They are not to be taken when it is sent for record only previously to the prisoner's discharge.

It is unnecessary to deal with this subject at length, inasmuch as at the Central Office, New Scotland Yard, is kept a collection of forms numbering approximately 200,000, and it is quite easy in a very short time to ascertain whether a particular case has been registered or not. It is therefore important when prisoners are in custody to apply forthwith to the Central Office in order to obtain particulars of their antecedents.

The prints may be taken by the police or by the governors of prisons. The latter course will probably be found the more advisable as force has sometimes to be used, and whilst governors of prisons are empowered to use force, if necessary, police officers are not.

LEFT HAND.

Plain impressions of the four fingers taken simultaneously.



RIGHT HAND.

Plain impressions of the four fingers taken simultaneously.



This Form is not to be pinned.

MALE.

H.C.R. No.

Name

Aliases

Prison

Prison Reg. No.

Classification No.

RIGHT HAND.

1. - Right Thumb. | 2. - R. Fore Finger. | 3. - R. Middle Finger. | 4. - R. Ring Finger. | 5. - R. Little Finger.



(Fold.) Ulnar.	Radial.	Ulnar.	W (Wall)	(Fold.) Ulnar.
-------------------	---------	--------	----------	-------------------

Impressions to be so taken that the flexure of the last joint shall be immediately above the black line marked (Fold). If the impression of any digit be defective a second print may be taken in the vacant space above it.

When a finger is missing or so injured that the impression cannot be obtained, or is deformed and yields a bad print, the fact should be noted under *Remarks*.

LEFT HAND.

6.—L. Thumb. | 7.—L. Fore Finger. | 8.—L. Middle Finger. | 9.—L. Ring Finger. | 10.—L. Little Finger.



(Fold.)

Ulnar.

Radial.

Ulnar.

Ulnar.

(Fold.)

Ulnar.

Impressions taken by

Rank

Prison

Governor's Signature

Date

Classified at H.C. Registry by

Date

Tested at H.C. Registry by

Date

DETECTIVE DUTIES.

20. All the steps taken by a constable to detect a crime after it has been committed come under the head of "detective duties."

It is difficult to positively define these duties—the circumstances of the case, the nature of the crime, and the class of people with whom the officer comes in contact, must guide him as to the manner of enquiry, and the course to be pursued in each particular case.

A detective officer should possess intelligence, tact, and good common sense, the faculty of obtaining information from others, and at the same time keeping his own counsel and opinions.

Information regarding crime is not unfrequently obtained from persons who themselves belong to the criminal classes. Secrecy should be observed regarding the names of informants, who should be treated with scrupulous fairness.

An officer engaged on detective duty must use every exertion and adopt any means he legitimately can to discover the perpetrators of crime, but in doing so he must carefully avoid in any way, compromising his own position or the credit of the service to which he belongs.

CHAPTER II.

ARREST.

“ Arrest ” is when one is taken and restrained from his liberty.

1. An arrest may be made with a warrant or without a warrant.

Every citizen is virtually a constable, and if a felony has been committed the offender may be arrested by any person on reasonable suspicion of his guilt, but *a private person* can only arrest *at his own peril* for crimes not committed in his presence, whereas *a constable* can arrest, without a warrant, on “ *reasonable grounds of suspicion*.” A magistrate appears to enjoy the same latitude as a constable of arresting on “ reasonable suspicion ” of a felony having been committed and anyone may apprehend a person found committing an indictable offence between the hours of 9 p.m. and 6 a.m.

Giving in Charge.—A constable can receive over from a private individual an alleged offender whom he desires given in charge, if there be reasonable grounds of charge ; but he should require the complainant to go with him to the police station and declare his name and address.

2. Mode.—In arresting without a warrant, a constable should, if not already known, declare who he is and his authority, he should also state the cause of arrest in a clear and distinct manner. In order to complete the arrest, the officer must actually touch or restrain the offender. Every exertion must be made to effect the arrest, but an arrest should be made quietly, attracting as little attention as possible, and no unnecessary violence should be used. A police officer must act gently, as long as possible, *preserving his temper*, even if in danger of his life.

3. Warning.—If a constable finds his exertions insufficient to effect the arrest, he ought to *warn* one or more of the bystanders “in the King’s name” to assist him, and it is an indictable misdemeanour in any one so warned to refuse.

4. Breaking Doors.—If a party accused of felony takes refuge in a house, or if persons are fighting furiously in a house, and a felony appears likely to be committed, a constable may *break open the doors*, if necessary, to get in, provided he first demands admission, stating who he is and his business: but the breaking open of outer doors is so dangerous a proceeding, that the constable never should resort to it except in extreme cases, and when an immediate arrest is necessary.

Whenever a person is lawfully arrested for any cause, and afterwards escapes and shelters

himself in a house, the doors may be broken open to retake him.

5. Time.—An arrest, with or without a warrant, may be made at any time in the day or night. The Sunday Observance Act, 1677, provides that an arrest may be made on Sunday in cases of treason, felony, or breach of the peace, and in those cases where an arrest may be made without a warrant.

Power is given to justices to grant or issue warrants on Sunday, and the power to grant the warrant would impliedly legalise its execution.

Search warrants can be granted and executed on Sunday, but bastardy warrants and warrants of commitment, &c., cannot.

ARREST WITHOUT WARRANT.

6. Common Law.—A constable, as a conservator of the public peace, may at common law arrest any person, without warrant, on the *reasonable belief* that he has committed *felony*. Even though the constable may not have seen the felony committed, yet if he has reasonable grounds for believing that a felony has been committed, either from his own suspicion or the reasonable assertion of others who may be supposed to be aware of the facts, he will be justified in apprehending the party suspected. He may also arrest, without warrant, for an *attempt* to commit a felony within his own view.

In cases of *misdemeanour* a constable has, as a general rule, no right to apprehend without a warrant for an offence not committed in his actual presence; but if the misdemeanour be an *indictable* one, and committed in his presence, he may at once apprehend the offender.

The class of misdemeanours with which a constable will chiefly have to deal will be assaults and other breaches of the peace.

7. Breaches of the Peace.—Where breaches of the peace are committed *within the view* of the constable, he should immediately interfere, separate the combatants, and prevent others from joining in the affray. If the disturbance be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and do everything in his power to restore order; but if the offenders desist, it is better to take names and proceed by way of summons.

In the case of an assault *not committed in his presence*, the constable would not be justified in arresting the accused person, unless it was evident that a *serious* assault had been committed, or a dangerous wound inflicted. He should, however, in all cases of common assault endeavour to ascertain for the complainant the name and address of the person he accuses. Should either of the parties attempt to renew the affray, the constable will be justified in immediately apprehending the offenders.

In all cases of assault, riot, &c., a constable should exhibit a great amount of forbearance before exercising his power of arrest.

8. Abusive Language.—If persons be merely quarrelling or insulting each other by words, the constable has no right to take them into custody, but he should be ready to prevent a breach of the peace.

If a person annoys another by abusive language or constantly following him, whereby a breach of the peace may occur, such person can be proceeded against and summoned by the party aggrieved.

9. Statute Law.—In addition to their powers of arrest at “common law,” constables and, in some instances, private individuals can, under the “statute law,” arrest without warrant persons “found committing” offences against certain statutes.

The principal of these Statutes are:—

The Vagrancy Act, 1824; Night Poaching Act, 1828; the Game Act, 1831; the Highway Act, 1835; the Naval Deserters Act, 1847; the Towns Police Clauses Act, 1847; the Prevention of Offences Act, 1851; the Larceny Act, 1861; the Malicious Damage Act, 1861; the Offences against the Person Act, 1861; the Coinage Offences Act, 1861; the Tramways Act, 1870; the Pedlars Act, 1871; the Hawkers Act, 1881; the Prevention of Crimes Act, 1871, and the Penal Servitude Act, 1891;

the Public Stores Act, 1875 ; the Army Act, 1881 ; the Municipal Corporations Act, 1882 ; the Territorial and Reserve Forces Act, 1907 ; the Indecent Advertisements Act, 1889 ; the Diseases of Animals Act, 1894 ; the Merchant Shipping Act, 1894 ; the Street Betting Act, 1906 ; the Children Act, 1908 ; the Licensing Act, 1902, and the Licensing (Consolidation) Act, 1910 ; the Motor Car Act, 1903 ; the Protection of Animals Act, 1911 ; the Official Secrets Act, 1911 ; the Criminal Law Amendment Act, 1912 ; the Aliens Restriction Act, 1914, and Orders in Council made thereunder.

Notwithstanding the power of arrest conferred by the various statutes, it is generally desirable to procure a warrant where there is no likelihood that the offender will abscond.

In minor cases a summons will generally suffice.

CHAPTER III.

PRISONERS, EVIDENCE, &c.

1. Persons arrested by the police should be at once taken to the lock-up of the station or district.

2. Having effected an arrest the constable has no power (beyond providing for his safe custody) to deal with a prisoner, otherwise than by taking him before a magistrate as soon as he reasonably can. He has no personal power of discharging a prisoner (except in a case of wrongful custody of an entirely innocent person, when further detention would be illegal), but having taken a suspected party into custody he must—except in certain cases where bail can be taken—be conveyed before a magistrate as soon as possible, to be dealt with according to law.

3. If a rescue be apprehended, or if the party arrested be sick, the constable may keep him for the time in a house or other place of security.

4. Prisoners are to be treated by the constabulary with the humane consideration which their situation and safety will admit of, and no harshness or unnecessary restraint is to be used towards them. Every reasonable

allowance should be made for the feelings of a prisoner by his escort, but as the escape of any prisoner may demand the dismissal of the officer in charge of him, it behoves the police to be vigilant in the discharge of this duty.

Bail.—Section 38 of the Summary Jurisdiction Act, 1879, empowers inspectors or other officers in charge of police stations to admit to bail persons in custody for offences which are not of a serious nature.

5. Handcuffing, &c.—A constable should always be able to show “good special reasons” for handcuffing *unconvicted* prisoners. Cases have occurred where actions have been maintained against the police for handcuffing persons in custody, arrested on suspicion, who were subsequently acquitted of the charge preferred against them. Where the prisoner is a man of notoriously bad character, or violent, or dangerous, or where he threatens or assaults the constable or attempts to escape, or where the constable having two or more prisoners in charge, is unable otherwise to secure their safety, or in cases where the offence is of a very serious nature, the constable would be justified in handcuffing a prisoner. In the absence of such reasonable grounds, prisoners charged with drunkenness or trivial offences should not be handcuffed. Females and old or infirm persons should not be handcuffed.

Prisoners should be handcuffed with the arms across the front of the body, and not with the hands palm to palm.

6. Diet.—The constabulary are responsible that prisoners are supplied with proper and sufficient food whilst in their custody. They should on no account be allowed to have beer or spirits without the order of a medical man.

7. Medical Aid.—Medical aid is to be promptly afforded to any prisoner requiring it. Officers in charge of stations should carefully examine each prisoner whom they receive before locking him up, and, if they notice anything doubtful, obtain medical assistance.

8. Searching.—When prisoners are searched the search should, if possible, be made in the presence of a witness. Female prisoners should be searched by a woman, and, when practicable, in the presence of a second woman.

“ The right of searching persons in custody must depend on the circumstances of each particular case, and the mere fact of a person being drunk and disorderly will not justify a police officer searching his person, although the officer may have received general orders to search all persons in custody ; but any person, whatever may be the nature of the charge, may so conduct himself by reason of violence of language or conduct that it may be prudent and right to search him, as well for his own protection as for those entrusted with the

duty." (Extract from "Stone's Justices' Manual.")

Any property found on a prisoner which is likely to be connected with any charge should be detained by the officer, and it may in some cases be most advisable to search the prisoner's house or lodgings with a view of tracing documents or other property connected with the charge.

In the case of a person charged with drunkenness, any article wherewith bodily injury might be inflicted should be taken from the prisoner.

A list should be kept and proper entry made in official books of property found on prisoners, and a receipt should be taken for same when returned or when handed over to prison authorities.

9. Questioning, Cautioning, &c.—When a constable suspects a person of committing an offence it may be necessary for him to put certain questions to ascertain whether he will be justified in apprehending him, *but from the moment an officer has made up his mind to apprehend he has no right to further question the suspected person.*

The following is the effect of observations on the subject, made by the late Lord Chief Justice Cockburn, at the Central Criminal Court, July 16th, 1870 :—You may ask a man questions with an honest intention to elicit the

truth and to ascertain whether there are grounds for apprehending him; but, with a foregone intention of arresting him, to ask questions for the main purpose of getting anything out of him that may be afterwards used against him, is a very improper proceeding.

10. Various opinions exist as to whether it is incumbent on a constable to "caution" a person in custody on a criminal charge, against saying anything that may criminate him, by informing him that it will be given in evidence against him. Judicial opinions have been given both in favour of and against such a practice. The best course appears to be for a constable to inform a prisoner at the time of his arrest that he is in custody, and that anything he may say may be used in evidence against him. If the prisoner, after this, does make any statement, it is receivable in evidence. Any statement made should be written down at the time or as soon after as possible and read over to the prisoner, who should be requested to sign it.

The admissibility or otherwise of a statement or admission made by a prisoner depends upon whether it was made quite voluntarily or was made in consequence of a threat, promise or inducement held out to him by some person in authority.

11. As a general rule conversations and remarks which were not made in *the presence* of the prisoner cannot be given in evidence; but

evidence of a complaint made shortly after a crime is committed, as by a woman of having been violated, may be adduced in evidence by the prosecution, not as being evidence of the facts complained of, but to show that the woman's conduct was consistent with her evidence, and as negating consent.

In apprehending offenders the circumstances accompanying the proceeding will frequently be of importance in the investigation which will afterwards take place. It is most desirable, therefore, that the constable should be vigilant to observe and remember all that takes place; and if he at all distrusts his own recollection, he should at the time, or before the events have faded from his memory, make a note of them, in order that he may, if required, give them in evidence. ("Sanders' Police Acts.")

PRODUCTION OF PRISONERS.

It often happens that a prisoner who has been committed for trial in one place is "wanted" for offences committed in other districts. If warrants are in existence in respect of those offences, the course adopted in consequence of the expressed views of Judges and the Home Secretary is, that when the prisoner is brought up at assizes or quarter sessions the warrants are, if he consent, placed before the court, and taken into consideration

before sentence is passed, so as to give him a fresh start after serving his sentence. Circumstances, however, sometimes arise in which it is thought desirable to bring before justices a prisoner who is either committed for trial or already serving a sentence.

In order to avoid the necessity for re-arresting the prisoner upon his discharge, application should be made under section 11 of the Prison Act, 1908, setting out the reasons for bringing up the prisoner, which application must be accompanied by a declaration in the following form :—

I
do solemnly and sincerely declare as follows :—

1. That a warrant was issued on the _____
by *A. B.*, one of the _____
magistrates for _____
the arrest of *C. D.* on a charge of _____

2. That it is desired that he should be brought to answer the said charge before the Court of Summary Jurisdiction sitting at the Police Court at _____
at _____ o'clock on the _____

3. That the said *C. D.* is now a prisoner at H.M. Prison undergoing a sentence of _____
passed on him on _____
at _____ for _____

and I make this solemn declaration conscientiously believing the same to be true

and by virtue of the Statutory Declarations Act, 1835.

Declared at

this day of 19 ,

Before me

Justice of the Peace for the

or

A Commissioner to administer Oaths

in the Supreme Court of Judicature.

EVIDENCE.

“Evidence” includes all the legal means exclusive of mere argument which tend to prove or disprove any matter of fact, the truth of which is submitted to judicial investigation.

The following are some of the general rules with regard to evidence:—

That a person is presumed to be innocent until the contrary is proved.

That a party shall not be allowed to put leading questions, that is, questions in such a form as to suggest the answer desired to his own witness.

That hearsay evidence, as a general rule, is inadmissible.

That the statement of one prisoner is not evidence either for or against another prisoner.

That conversations which have taken place out of the hearing of the party to be affected, cannot be given in evidence.

That the evidence of an accomplice is admissible, but must be corroborated in some material particular.

That no person is bound to answer a question which may tend to criminate him, and that if he choose to answer such a question, his answer is conclusive.

That in general the opinion of a witness as to any fact in issue is inadmissible upon questions of skill and judgment.

That the onus of proof lies upon the party making an assertion.

That the best evidence should be given of which the nature of the case is capable; that secondary evidence is not admissible unless proof be given that better evidence cannot be obtained.

That a witness may refresh his memory by referring to an entry or memorandum made by himself shortly after the event of which he is speaking or from entries made by some other person if those entries were referred to in the prisoner's presence at the time of the occurrence in question.

That when positive evidence of the facts cannot be supplied circumstantial evidence is admissible.

Children.—The Criminal Law Amendment Act, 1885, the Prevention of Cruelty to Children Act, 1904, and the Children Act, 1908, each provide that, in proceedings thereunder, if a child of tender years who is tendered

as a witness does not, in the opinion of the court, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. The question in any case, whether as to taking the oath or giving the evidence, is one of understanding and intelligence, not of age.

Handwriting may be proved by writer himself, by person who saw the same written, or who has a knowledge of the writing, or by evidence of "experts." Comparison of disputed writing with any writing proved to be genuine may be made by witnesses and the writings and evidence may be submitted to the Court and Jury.

Depositions.—Depositions properly taken are admissible in event of death of deponent if it be proved that same were taken in presence of the accused and that he or his counsel or solicitor had a full opportunity of cross-examining the witness.

Dying declarations are constantly admitted in evidence; they may be taken by any person; but where time permits, they should be taken before a magistrate—they need not be in writing, but if possible should be: there is no particular form of declaration,—they

do not require to be sworn to, the awful situation of the dying person being considered equal to the sanctity of an oath. It is essential that the declarant must entertain a settled and hopeless expectation of death—death impending, not on the instant, but death within a very short distance indeed.

The Criminal Evidence Act, 1898, amended the Law of Evidence in important particulars as regards prisoners.

Section 1 enacts that every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person.

Provided as follows:—

- (a.) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application ;
- (b.) The failure of any person charged with an offence, or of the wife or husband, as the case may be, of the person so charged, to give evidence shall not be made the subject of any comment by the prosecution ;
- (c.) The wife or husband of the person charged shall not, save as in this Act mentioned, be called as a witness in pursuance of this Act except upon the application of the person so charged ;

- (d.) Nothing in this Act shall make a husband compellable to disclose any communication made to him by his wife during the marriage, or a wife compellable to disclose any communication made to her by her husband during the marriage;
- (e.) A person charged and being a witness in pursuance of this Act may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged;
- (f.) A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that he has been committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless :—
 - (i.) The proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or
 - (ii.) He has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the

- character of the prosecutor or the witnesses for the prosecution ; or
- (iii.) He has given evidence against any other person charged with the same offence.

CONSTABLES GIVING EVIDENCE.

Constables are, when giving evidence, to state only such facts as are within their own knowledge. They should always give in evidence any facts which are in favour of a prisoner.

The question of conviction or acquittal should in no wise influence the constable.

Questions should be answered briefly and truly, in a distinct tone of voice, without hesitation. Constables are often subjected to severe cross-examination by counsel for the defence, who sometimes comment unfavourably on the constable's conduct in the case, or infer that the statements made are untrue. Constables should, in such cases, keep their tempers, and answer respectfully and quietly, keeping nothing back, even though it may be unfavourable to them. If a constable has spoken the truth, and the *whole* truth, he has no need to feel nervous under cross-examination.

12. Constables should make notes regarding cases at the time they occur, or immediately afterwards. The *original* notes made at the time should be preserved. They may refresh their memories by referring to their notes before

entering the witness-box. Should they refer to them *in the witness-box* the notes may have to be handed in. A constable may, before a case comes on for trial, ask to read over his depositions. Where prisoners have made confessions or statements, the *exact words* used by them should be given in evidence. Disgusting and filthy language should not be repeated, unless the witness is specially called upon to state the exact words made use of.

13. A constable, when giving evidence, should maintain a quiet and grave demeanour, and not give way to unseemly mirth, however ludicrous the subject.

POLICE INFORMANTS.

It frequently happens that a constable starts his evidence with the words "from information received" and is at once asked for the name of his informant. It was laid down by Cockburn, L.C.J., *on trial of an indictment* that a police constable is bound on cross-examination to give the name of his informant if directly material and necessary in the interests of the prisoner, but in ordinary cases it is for the judge to decide whether any such questions would or would not be injurious to the administration of justice.

The rule varies in so far as it is a public or an ordinary private prosecution. In the latter case the name of the informant must, if material, be disclosed.

POLICE AS ADVOCATES.

It is apparently a very common practice for police superintendents and other officers to conduct cases without a solicitor and it is very necessary to lay down clearly the position.

A police officer who is the actual informant has precisely the same rights, and no greater, than a private informant; that is to say, in summary cases he can (strictly speaking) address the court and call witnesses, and cross-examine witnesses for the defence, but the view has been strongly expressed by judges of the High Court that a police officer should not take the position of an advocate.

With regard, however, to indictable cases, there is no such power given by statute as in summary cases, and in these circumstances no police officer of whatever rank should be allowed to conduct a prosecution in respect of an indictable offence, even though he may be the person laying the charge.

CHAPTER IV.

SUPERANNUATION.

The superannuation of constables is regulated by the Police Acts, 1890, 1893 and 1909, and the Police (Superannuation) Acts, 1906 and 1908.

The chief provisions of the Acts are as follows :—

1890 Act.

Section 1. Subject to the provisions of this Act, every constable in a police force :—

(a.) If he has completed not less than twenty-five years approved service, and is of an age not less than the age so prescribed by the pension scale in force under the Act, shall, on the expiration of not more than four months after giving written notice to the police authority of his desire to retire, be entitled without a medical certificate to retire and receive a pension for life ; and,

(b.) If after he has completed fifteen years approved service he is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive a pension for life ; and,

(c.) If before he has completed fifteen years approved service he is incapacitated for the

performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire, and thereupon the police authority may, if they think fit, grant him a gratuity; and

(d.) If at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a pension for life.

Section 2 of the Act provides as follows:—

(1.) If a constable dies whilst in a police force from the effect of an injury received in the execution of his duty without his own default, the police authority shall grant a pension to his widow and allowances to his children.

(2.) If a constable dies whilst in a police force from any other cause, the police authority may, if they think fit, grant gratuities to his widow and children or any of them.

Section 14 provides that where a person has served in two or all of the following capacities :

- (i.) As a civil servant within the meaning of the Superannuation Act, 1887;
- (ii.) In a police force with a salary paid out of the police fund;
- (iii.) In a police force with a salary paid out of money provided by Parliament;

he shall be entitled to reckon his entire period of service in both or all capacities for the purpose of pension, and the pension shall be on the scale and subject to the statutory requirements affecting pensions in the service from which he last retires.

Provided as follows :—

(1.) For the purposes of the pension three years of police service shall be reckoned as equivalent to four years of service as a civil servant, and conversely ; and

(2.) The pension shall be payable from money provided by Parliament, and from the police pension fund in such proportions as the Treasury may determine, regard being had to the period of service and the salary received in such capacity.

(3.) If a constable, to whom a pension has been granted because of incapacity through injury received in the execution of his duty without his own default, dies from the effects of the injury within twelve months after the grant of the pension, the police authority may, if they think fit, grant a pension to the widow, either for a term of years or otherwise.

(4.) If a constable to whom a pension has been granted dies within twelve months after the grant of the pension, the police authorities may, if they think fit, grant gratuities to his widow and children or any of them.

Under section 4 of the Act of 1890 approved service shall, for the purposes of the Act, mean

such service as, after such deductions as may be made in respect of sickness, conduct, or neglect of duty (if any), be certified under the order of the police authority to have been diligent and faithful service, excluding service before twenty-one years of age, unless otherwise prescribed by the regulations of the force.

Under section 30 (8) of the Act, service for not less than three years by existing constables in another force is to be reckoned as approved service, but under the Act of 1908, two years is substituted for three years.

Section 6 provides that where a constable retires on account of infirmity of mind or body and the police authority are satisfied on medical evidence that the constable has brought about or contributed to the infirmity by his own default or vicious habits the police authority may in their discretion reduce the amount of his pension by an amount not exceeding one half of the pension to which he would otherwise be entitled.

Section 8 provides that a pension or allowance under the Act is granted only upon condition that it becomes forfeited and may be withdrawn by the police authority in any of the following cases :—

(a.) If the grantee is convicted of any offence for which he is sentenced to penal servitude or to imprisonment for a term exceeding three months with hard labour, or to imprisonment for a term exceeding twelve

months, whether with or without hard labour ; or

(b.) If the grantee knowingly associates with thieves or reputed thieves ; or

(c.) If the grantee refuses to give to the police all information and assistance in his power, for the detection of crime, for the apprehension of criminals, and for the suppression of any disturbance of the public peace ; or

(d.) If the grantee enters into or continues to carry on any business, occupation, or employment which is illegal, or in which he has made use of the fact of his former employment in the police in a manner which the police authority consider to be discreditable and improper.

Such forfeiture and withdrawal may affect the pension wholly or in part, and may be permanent or temporary, as the police authority may determine.

Under section 5 of the Act of 1906 section 8 above is extended by the addition of the following paragraphs :—

(e.) If the grantee supplies to any person or publishes in a manner which the police authority consider to be discreditable or improper any information of a confidential nature which he may have obtained in the course of his employment in the police ; or

(f.) If the grantee solicits, or, without the consent of the police authority, accepts,

directly or indirectly, any testimonial or gift of a pecuniary value on his retirement from the police ; or

(g.) If the grantee enters into or continues in any business, occupation or employment as a private detective, after being prohibited to do so by the police authority on any reasonable grounds :

Provided that the decision of a police authority other than the Secretary of State as to forfeiture on any of the grounds aforesaid shall be subject to confirmation by the Secretary of State, but such confirmation shall not affect the right of appeal to quarter sessions conferred by section 11 of the Police Act, 1890.

Section 21 of the Act empowers the police authority in the case of a constable leaving a police force without pension or gratuity, but not having been dismissed, to pay him, if it seems to them just, the whole or part of the rateable deductions which have been made from his pay ; but this does not apply in the case of a constable removing to another force under such circumstances as will enable him to reckon his approved service in the force from which he removes.

Under the Police Act, 1893, a constable employed on fire duty is to be deemed for the purpose of the Act of 1890 to be in the execution of his duty, and section 5 of the Police Act, 1909, relating to the Metropolitan Police provides as follows :—

5.—(1). At the end of paragraph (6) of Part II of the First Schedule to the Police Act, 1890 (which relates to the pensions and allowances to widows and children of constables in England) the following proviso shall be added :—

“ Provided further that, where a constable loses his life from the effects of an injury which is not accidental, the police authority shall increase the pension to the widow to a sum equal to one-third of the annual pay of the constable, and the allowance to each child to a sum equal to one-fifteenth of such pay, or, if there is no widow, to a sum not less than one-fifteenth nor more than two-fifteenths of such pay, unless the aggregate of such pension and allowances would exceed two-thirds of such pay, in which case they shall be rateably reduced; the police authority may, however, refuse so to increase the pension to the widow on the ground of her misconduct, but any such refusal shall be subject to confirmation by the Secretary of State.”

Power is also given to a police authority in cases where a pension is granted to a constable on the scale applicable to partial disability within three years from the grant if satisfied by the evidence of their medical adviser that the disability has become total to increase the pension to the amount allowed under the scale applicable to total disability.

POLICE RESERVISTS.

The Police Reservists Act, 1902, provided that the period of service of any constable called out for permanent service as a member of the Army reserve in pursuance of a Royal Proclamation dated 7th October, 1899, may, if the police authority think fit, be reckoned in the computation of approved service for the purpose of any pension or gratuity under the Police Act, 1890, or the Police (Scotland) Act, 1890, and the Police Reservists (Allowances) Act, 1914, provides as follows:—

1.—(1.) Where a constable of a police force within the meaning of this Act belongs to the Naval Reserves or the Army Reserve, and has, in pursuance of any Royal Proclamation, been called out, in the case of a man belonging to the Naval Reserves, for serving during war or any emergency, or, in the case of a man belonging to the Army Reserve, on permanent service, the police authority may, if they think fit, grant out of the police fund, to or for the benefit of his wife and children, or any of them, or in the case of an unmarried man to or for the benefit of any person whom he is legally liable to maintain and towards whose support he has regularly contributed, an allowance of such amount and subject to such conditions and restrictions as they think equitable:

Provided as follows:—

(a.) Any such allowance shall be granted for a limited period not exceeding one year, and may be renewed for a further period, but shall not be continued after the police authority have received notice that the man has ceased to be employed on naval or military service :

(b) The aggregate amount of the weekly allowance granted in respect of a married man, together with the weekly amount of any separation or other allowance required to be paid out of naval or military funds in pursuance of any Royal Warrant, and the weekly amount of any compulsory deductions from the man's pay as a seaman or a soldier, shall not exceed the total weekly amount which he was receiving from police funds when called out :

(c.) The allowance granted in respect of an unmarried man shall not exceed in the aggregate eight shillings a week.

2. If the man dies or is disabled whilst employed on naval or military service, the police authority shall have the same powers with respect to the grant of gratuities as if he had been in the police force at the time of his death or disablement.

3. If he returns to the police force he shall return to a rank not less than the rank which he held at the time when he was called out, and at a rate of pay not less than the rate which he received before that date.

CHAPTER V.

WARRANTS AND SUMMONSES.

1. As a constable acting under the authority of a warrant is in a better position to follow and arrest an offender than a constable acting without warrant—by virtue of his office only—it is always advisable, where time admits, to procure a warrant for the arrest of offenders.

A warrant is an authority under the hand and seal of a justice directing the person to whom it is addressed to arrest the person or persons named therein. Warrants are issued by justices under powers conferred upon them by the Summary Jurisdiction Acts and other Acts and may be for the purpose of bringing a person before a court, to commit a person to prison, to search premises, or to distrain in respect of a fine, rates, &c.

The warrant must be in the possession of the officer at the time of arrest in all cases except felonies, and should be produced if required and in any case be read over to the person arrested.

After execution the warrant should be endorsed and returned to the court.

2. A warrant in the first instance can only be obtained upon an information on oath or

affirmation that a person is suspected of having committed an offence. The information is prepared by the applicant or his solicitor or the justices' clerk.

A warrant to arrest may be executed in the day or by night, and may be issued in respect of an indictable offence or for the purposes of search on Sunday, but there is no such provision with regard to other warrants.

If the warrant is directed to a constable by name he cannot authorise others to execute it, but others may lawfully assist him to do so, and in that case he should be near at hand and acting in the arrest in order to render it legal.

A warrant continues in force until it is fully executed, and does not lapse by reason of the death of the justice who granted it.

In proceeding to execute warrants and other police duty constables should act with the utmost discretion and silence, communicating with no one, except members of the force, concerning their movements or the nature of the service on which they are engaged.

3. Fresh Pursuit.—In cases of fresh pursuit, when the offender escapes out of the jurisdiction of the justice into an adjoining county or place, the constable or person having the warrant, if *in actual pursuit*, may follow the offender to the distance of seven miles from the border or confines of the jurisdiction. A constable arresting on suspicion without a

warrant beyond the jurisdiction may render himself liable to an action for wrongful arrest and false imprisonment.

“ BACKING ” WARRANTS.

Except in cases of “ fresh pursuit,” a warrant cannot be executed *beyond the jurisdiction* of the justice issuing it, unless it be “ backed,” that is, endorsed by a justice of the county in which it is to be carried into execution, upon proof that the signature to the warrant is in the handwriting of the magistrate by whom it purports to be signed.

4. Police Powers.—By the County and Borough Police Act, 1856, constables of every county have in all boroughs (situated wholly or in part) within such county the same powers and privileges as constables appointed for such boroughs have within any such county.

Section 223 of the Municipal Corporations Act, 1882, provides for the execution in a county in which any borough is situated (or within seven miles of boroughs) of a search warrant or a warrant for the apprehension of any person charged with an offence issued by a justice of the peace for such borough without the same being “ backed ” by a justice of the county. *Similar warrants*, therefore, issued by a justice of any county within which a borough is (wholly or in part) situated do not necessarily require “ backing ” for execution within

such borough. Warrants of commitment and other warrants issued by a county justice should be "backed" before being executed in such boroughs where such boroughs have a separate police jurisdiction.

SEARCH WARRANTS.

5. Under section 103 of the Larceny Act a magistrate on the oath of a credible witness that there is suspicion that a person has on his premises or in his possession stolen goods or any property unlawfully come by may grant a search warrant, and it can by law be executed on a Sunday. When a search warrant is given to a constable to carry into execution he should demand admittance to the premises, and if refused he may break open the doors.

A warrant directing a search in a particular house only will not justify a search in another. In case a further search is necessary another search warrant should be obtained, a watch being meantime kept upon the suspected house and inmates. A search warrant is required for the constable's protection in case nothing is found. Doubts have been expressed as to whether a search without warrant be legal, even with the consent of the occupier.

But in the event of a serious felony having been committed and the stolen property traced into a house and its being there as certain as if it were seen, a constable would run no risk

of an action for damages if he entered and seized both the property and the suspected thief. But the greatest caution is necessary in such a case.

The constable must strictly observe the directions of the warrant, and if he be directed to seize only stolen sugar, and seize tea, he will be a trespasser. But this is to be understood as confined to a case where the tea seized turns out *not to be stolen*, for nothing is more common than on searching the house of some notorious thief to find other stolen articles than those searched for, and it is an everyday practice for constables to secure such as well as the party suspected, and thereby bring him to justice. But as the constable has no warrant to fall back upon in such a case, he should be *quite certain* that the article so found has really been stolen, and that the proof of such felony is at hand before he takes either the goods or the party into custody.

The constable must have the warrant in his personal possession at the time of the search, and produce it if required.

DISTRESS WARRANTS.

6. The regulations regarding issue, execution, &c., of warrants of distress are contained in the Summary Jurisdiction Act, 1879.

An officer or constable legally authorised to distrain can enter on the premises for the purpose of making a seizure of the distress. In

executing these warrants there is *no power to break open doors* or gates in case they are locked up or shut, and the constable is to show his warrant on request to the person whose goods are distrained, and suffer a copy of it to be taken, but in no case to part with his warrant.

When the distress is levied on household goods the goods shall not be removed from the house until the day of sale, except with the consent in writing of the person against whom the distress is levied, but so much of the goods shall be impounded as are in the opinion of the person executing the warrant sufficient to satisfy the distress, by affixing to the articles impounded a conspicuous mark. Any person removing the goods so marked or removing the mark therefrom is liable to a penalty. The wearing apparel and bedding of a person and his family and the tools and implements of his trade to the value of £5 shall not be taken under a distress issued by a court of summary jurisdiction.

If no sufficient distress is found the constable is not to seize or impound *less*, but report to the magistrate that there is no sufficient distress, so that, in case of a fine or commitment, or in case of a civil debt, a judgment summons may be issued.

Care must be taken not to make an *excessive* distress, that is, not to seize several articles which altogether amount to far more in value than is wanted.

Goods distrained are to be sold by public auction, and for this purpose the constable distraining will secure the services of an auctioneer.

If no period be fixed by the warrant the sale must be held within fourteen days from the making of the distress and the constable must send an account of costs and charges to the clerk of the court, and such account may be inspected and a copy taken within one month after the levy by the person whose goods were distrained.

After deducting the amount on the warrant and all costs incidental to the distress and sale the constable must render the overplus, if any, to the owner.

The distress must not be levied on payment or tender of the amount mentioned in the warrant, together with the costs up to the time of payment or tender, or if a receipt from the clerk of the court is produced.

It should be noted that the above provisions do not apply to distress warrants in respect of poor rates to which the Summary Jurisdiction Acts do not apply. The Poor Relief Act, 1601, the Distress (Costs) Act, 1817, and Distress for Rates Act, 1849, still govern the procedure, and goods distrained for Poor Rates must not be impounded, except by consent of the owner, but must be removed forthwith from the premises for the purpose of sale. *

Note.—The police when called on are bound to assist sheriffs' officers and county court bailiffs in the performance of their duties, and may receive into their custody persons charged with committing assaults upon them. The police should in all cases require the sheriff's officer or county court bailiff to produce the writ or other authority under which he is acting.

SUMMONSES, &c.

A summons is an order under the hand and seal of a justice; in some cases two justices must sign. It is issued in duplicate—one portion being called the "original," and the other "the copy."

7. A police officer on receiving a summons to serve will carefully compare the copy with the original and see that they agree, so as to be able to swear or declare that it was a "true copy" which he served.

The summons may be served upon the defendant either by delivering it to him *personally* or by leaving it for him with some person at his last or most usual place of abode a reasonable time before the day of hearing. The nature of the summons should be explained to such person, and the constable should ascertain and make a note of the Christian and surnames of such person and also the degree of relationship (if any) to the person summoned.

The constable should keep the original of the summons, and as soon as he conveniently can after such service he should endorse, *i.e.*, write on the back of the summons the day of the month that the service took place, and whether it was personal or by leaving it, and if so with whom and where.

The original of the summons is to be carefully preserved, and the officer or constable will attend the hearing of the case at petty sessions to prove the service if necessary, or make a statutory declaration as to service.

Constables have no authority to alter a summons or order, which must be done by the magistrates' clerk.

Appearance to a summons waives any irregularity in the service of the summons or the want of one.

The question of whether a summons has been duly served and served a reasonable time before the hearing is one for the justices to determine, but under some statutes the time is fixed, as, for example :—

Sale of Food and Drugs Acts, fourteen clear days before hearing.

Bastardy Acts, six clear days.

Judgment Summons, two clear days.

Employer and Workmen's Act, four clear days.

In the event of a person not appearing to a summons, the court may, upon proof of due service, either hear and determine the matter,

or a warrant may be issued, but there is no power to grant a warrant for non-appearance to a summons for non-payment of money claimed to be due in respect of which, if the amount be proved to be due, the justices can only make an order for payment, which is served in the same manner as a summons.

The attendance of witnesses may be procured by means of summons or warrant either in the first instance or on disobedience of summons, but in summary cases with the service of the summons there should be handed to the witness a reasonable sum for costs and expenses, as this is under section 7 of the Summary Jurisdiction Act, 1848, a condition precedent to the granting of a warrant to apprehend the witness if he do not appear to the summons.

With regard to indictable offences, conduct money need not be paid, though it is desirable to do so, and in the case of a poor witness it is absolutely essential.

Formerly there was no power to compel a witness to produce, on witness summons, documents, and although a list of documents required was often endorsed on the summons, the only legal way of obtaining the production of documents by a witness was by means of a Crown Office *subpœna duces tecum*.

Section 29 of the Criminal Justice Administration Act, 1914, however, enacts that the provisions enabling a justice to issue

a summons to a witness to attend to give evidence before a court of summary jurisdiction shall be deemed to include the power to summon and require a witness to produce books, plans, papers, documents, articles, goods and things likely to be material evidence on the hearing of any charge, &c., and the provisions of the Indictable Offences Act, 1848 and the Summary Jurisdiction Acts, 1848 and 1879, relating to the neglect or refusal of a witness without just cause to attend to give evidence or to be sworn or to give evidence shall apply accordingly.

The power referred to is that of committing the person refusing to gaol for not exceeding seven days unless he shall in the meantime consent to give evidence.

CHAPTER VI.

DUTIES IN SUB-DIVISIONS.

Duties in sub-divisions or on beats may be classified under three headings, dealt with in this and the two succeeding chapters—

General Duties incident to Beat and Patrol Duty.

Protection of Life and Property.

Preservation of Peace and Public Order.

BEAT AND PATROL DUTIES.

1. When a sergeant or constable takes charge of a beat or sub-division he should with as little delay as possible make himself acquainted with the persons residing within it, and the several places of public resort. He should obtain a knowledge of all reputed thieves, and idle and disorderly persons, and watch narrowly all persons having no visible means of subsistence. He must do his utmost to suppress vagrancy.

2. **Staff and Handcuffs.**—A constable, when on duty, should always carry with him his staff and it may be in some cases necessary to carry handcuffs. Great discretion is required in the use of both handcuffs and staff. A constable should not use his staff or truncheon except in cases where his life is in danger,

or to prevent the escape of a felon, or in dispersing rioters. Where the truncheon is used blows should not be given on the head or face. A staff is a heavy weapon, and blows delivered with it on the shoulders and arms of an opponent will generally suffice to disable him.

3. Patrols.—The duties of a division cannot be performed efficiently without the establishment of a proper system of patrols and conferences, which should be carried out under the general instructions of the district officers.

The patrolling from each station should be regulated with a view not only to the sub-division, but to co-operation with the adjoining sub-divisions. The particulars of every patrol should be entered in a diary or conference book; date, hours, places visited, points attended, &c., and the incidents which may have occurred.

This duty to be performed efficiently must be performed silently and without any sign of preparation which could possibly place ill-disposed persons upon their guard.

Patrols should not go out on stated nights or at particular hours, but at irregular periods and at all hours, and should always, when possible, meet near suspected places, and observe suspected houses and persons.

4. Town Beats.—A constable engaged on town duty is responsible for the security of life

and property, and the preservation of the peace, and general good order during the time he is on duty. He should make himself acquainted with his beat, streets, courts, and houses. He should possess such a knowledge of the inhabitants as will enable him to recognize them. He should visit, so far as possible, the lanes, courts, and alleys, and when going his rounds at night he should carefully examine all premises and see that the doors and windows are secure.

A constable on beat duty should not loiter nor walk about in a slovenly manner. He should not enter any house, except in the execution of his duty, nor should he engage in conversation with anyone except on matters relating to duty. When answering any questions which may be put to him by strangers or others making enquiries, he should deport himself with the utmost civility and attention.

5. Crime Reports—Fairs, Feasts, Inquests, &c. - The scenes of all outrages must be visited without delay and the facts at once reported.

Fairs, &c.—Constables should report to their superior officers when fairs, feasts, &c., are about to take place in their sub-divisions. Constables should also forward reports regarding flower shows, cricket matches, sports, &c., about to take place in their sub-divisions. When "occasional licenses" have been granted

for the sale of intoxicating liquors at auctions, sales, &c., the police should visit the premises to ensure order and prevent any breach of the peace.

(SUDDEN DEATHS.)

Information should be sent to the coroner in all cases of sudden or accidental death, or death by violence, or under suspicious circumstances.

6. Highways.—Constables are required to enforce the provisions of the Highway Acts regarding obstructions and nuisances on roads, cattle straying thereon, &c.

When offenders are known they should be summoned, but if unknown they may, under section 79 of the Highway Act, 1864, be *apprehended* by any surveyor, or person acting under his authority, or *any other person witnessing the commission of the offence.*

7. Nuisances.—If a constable believes a nuisance to exist in any place, so as to endanger health, he should give information in writing to the sanitary authority. A constable is not authorized to enter any house or premises, for the purpose of seeking for nuisances, without the consent of the occupier or the warrant of a justice.

8. Obstructions.—The constabulary have power to deal with persons wilfully obstructing the thoroughfares in towns or villages. Considerable annoyance is often experienced in

villages, particularly on Sundays, by persons committing such offences. Such persons can be summoned by the police. Constables should caution all persons against brawling or making noises in the vicinity of places of worship during Divine service.

9. Poaching.—The duties of the constabulary in preventing poaching are very clearly defined in the Poaching Prevention Act, 1862. The Act provides that a constable, in any highway, street, or public place, may search any person whom he has good cause to suspect of coming from any land where he has unlawfully been in search or pursuit of game or any person aiding or abetting such person and having in his possession any game unlawfully obtained or any guns, nets, or instruments used for taking or killing game. He may also stop and search any cart or other conveyance in or upon which he has good cause to suspect that any such game or any such article or thing is being carried by any such person, and if any such game or article be found, it may be seized and the person summoned before a court of summary jurisdiction.

In carrying out the provisions of the Act a constable should act with discretion, and not risk encountering single-handed a gang of poachers.

10. Petty Sessions and other Courts, &c.—Constables attending petty sessions, or attend-

ing at the head quarters of their district or division for pay, or drill, or on any duty, should, unless otherwise ordered, return to their stations as soon as possible on the termination of the duty.

11. Notices, Billets, &c.—The police are required, under the Army Acts and the Territorial and Reserve Forces Act, 1907, to serve all notices within their district when required to do so. The police are also required to act as billet masters.

12. Soldiers, &c.—The police should cultivate friendly relations with military or naval forces stationed in their neighbourhood. The police must not, however, converse with sentries on duty, unless their duty requires them to do so.

13. Licensing.—Constables have very important duties to discharge under the Licensing Acts.

It is their duty to see that such premises are properly conducted, and closed during prohibited hours.

Power of Entry.—A constable is authorized at all times to enter on "licensed premises" for the purpose of preventing or detecting offences, and should a constable see a drunken person enter licensed premises he should follow immediately and warn the publican not to serve him.

Licensed Premises.—Licensed premises are defined as premises in respect of which a justices' license has been granted.

Where parties are fighting in a licensed house the police should separate the combatants and quietly endeavour to restore order. Where an affray is going on in a publichouse the police can, if refused admission, break open the doors. Having obtained admission they should endeavour by mild means to suppress any affray, and clear the house, if called on to do so by the landlord.

Removal from Premises.—A constable can, *at the request of the landlord*, remove from any licensed premises any person refusing to leave the same, but he is not required to detain him in custody unless he himself has a charge against him.

A constable can remove from *any premises*, at the request of the owner, any person who has forcibly gained access thereto, or who has gained access having no right to enter. The constable should first request such person to go out, and unless he does so he should put him out, using no more force than is necessary for the purpose.

CHAPTER VII.

DUTIES IN SUB-DIVISIONS.

2. PROTECTION OF LIFE AND PROPERTY.

1. Nearly all offences against life and property are dealt with under the Criminal Law Consolidation Acts, and will be dealt with under the various headings.

2. **Fires.**—On any alarm of fire a constable should immediately arouse the occupants of the house and adjoining buildings and call the fire brigade as quickly as possible. Notice should also be given to the turncock and police station. The first efforts of the police should be to save life where it is in danger and they should not hesitate where necessary to break open doors and windows. They should next endeavour to save property. All portable property should be removed from the premises conformably with the wishes and suggestions of the proprietor.

Every assistance should be afforded to the officers in charge of the fire-engines, and free scope procured for the firemen's exertions; with this view the officer in charge should keep the ground in the immediate vicinity of the fire clear of all persons not usefully employed, and special attention should be directed to the

movements of thieves and pickpockets, who are usually in the crowd on such occasions.

The senior officer present should endeavour to ascertain upon the spot all he can relative to the cause of the fire, the circumstances attending it, &c.

In places where Part VIII. of the Public Health Acts Amendment Act, 1907, is in force special power is given to a constable acting under orders to break open and enter any building being or reasonably supposed to be on fire or any building or land adjoining without the consent of the owner or occupier and to do such acts as may be deemed necessary for extinguishing fire or protecting the building or rescuing any person or property therein from fire. Power is also conferred upon police officers with regard to control of street traffic in case of fires.

3. Railway and other Accidents.—In all cases of railway or other serious accidents the police should immediately proceed to the scene of the disaster, render any aid they can to the injured, and give every assistance in the protection of property, &c.

4. Telegraph Wires.—Any injury done to telegraph wires, by persons throwing stones, &c., should be at once reported with names of offenders.

5. Deserted Children.—If a deserted child be found by the police it should be taken to the

union. If found by a private person a description of the child should be taken, and the finder should be directed to the union.

6. Suicide.—To attempt to commit suicide is an indictable misdemeanour at common law. Offenders should be arrested and brought before a magistrate. If necessary a doctor should be called in, and the police should keep a watch upon the movements of the offender whilst in custody, lest he should again attempt to destroy himself.

INQUESTS.

It is the duty of the constabulary, on hearing of any case of sudden death, to enquire into the circumstances immediately, and inform the coroner. The constable is bound to summon a jury of not less than twelve and not more than twenty-three on receipt of the coroner's warrant or precept.

In all cases dead bodies, when found, should be examined and searched, and an inventory taken, in the presence of some person, of the property found on them, which should be produced at the inquest.

Application should be made to the coroner for any expenses incurred by the police in sending for the coroner and summoning the jury.

Where a person is already in custody on a criminal charge, he can only be produced at an

inquest as a witness by order of the Home Secretary made under section 11 of the Prison Act, 1908, upon declaration showing that it is in the interests of justice that he should be produced.

By a return included in the criminal statistics for 1912, the total number of inquests held during the year was 37,098, as against 37,612 in 1911; of these 14,458 deaths were attributable to natural causes or old age, and 15,118 to accidents; in 2,169 cases open verdicts were returned—255 were still births, and there were 3,605 verdicts of suicide as against 3,563 the previous year.

The chief object of the coroner's jury is to determine whether death is or is not due to a criminal act, and if it is found to be so by the verdict of the jury, criminal proceedings can be instituted thereupon, the inquisition of the coroner being equivalent to an indictment found by a grand jury.

CHAPTER VIII.

DUTIES IN SUB-DIVISIONS.

3. PRESERVATION OF PEACE AND PUBLIC ORDER.

1. The police are responsible for the preservation of the peace and public order within their districts. Constables, as conservators of the public peace, are, by virtue of their office, armed with special powers under the common law, and they are required to enforce the provisions of special statutes passed for the maintenance of peace and public order. The provisions of these statutes, more especially those which relate to riots, assaults, and other breaches of the peace, disorderly houses, obscenity, lunatics, highways, &c., are dealt with under the respective titles.

2. **Rioting.**—On the occasion of any sudden riot occurring in a town or village which the police force on duty at the time may not be strong enough to suppress or where a forcible interference might be deemed imprudent, the police should endeavour by their influence with the people to restore order, and should communicate with headquarters at once. They should also take notice of those persons who appear to be ringleaders, in order that proceedings may be afterwards instituted against them if necessary.

3. Prize Fights, &c.—Prize fights are breaches of the peace, which the police are bound, if possible, to prevent.

4. Races, &c.—The constabulary usually attend races on a requisition from the race committee, who are charged for their services. They should give every assistance to the committee and carry out any special instructions they may receive as to keeping and clearing the course, keeping order, &c.; but as the preservation of the peace is the *first duty* of the constabulary in the event of any disturbance, riot, or fighting, the whole attention of the police must, for the time, be given to the maintenance of public order. A few men should always be employed on detective duty, in plain clothes, at races, for the purpose of detecting thieves, pickpockets, and other offenders.

ELECTIONS.

5. Special directions are usually issued regarding disposition of the force provided, and the route, &c., to be taken by officers and men ordered for duty. In the arrangement of duties, disposition of force, &c., some uniform system, with which officers and men are acquainted, should, as far as practicable, be carried out.

In those towns and villages where rioting is expected and where a large force is placed, the

main body of the men should, if practicable, be kept under cover in the police station, a few constables being placed about the streets to keep order and give warning in case of riot. The officer in charge should divide his party into "reliefs," so as to equalise the duty and ensure the men getting rest and refreshment. The "reliefs" could be further sub-divided into sections of from four to seven men, placing each section under the charge of a sergeant or senior constable. In carrying out this arrangement the men belonging to the same police district, who know each other and are accustomed to work together, should, if practicable, be placed together in the same section. A few men, in plain clothes, should be employed to detect rioters and stone-throwers.

Rioting.—Should rioting commence a contingent of the force at the police-station should be at once brought to the spot. If insufficient to deal with the rioters, additional men should be sent for, till the entire force is engaged. Care should be taken that a sufficient guard be left at the police-station, and such arrangements should be made for the safe keeping and escorting of prisoners, if taken, as will ensure their being conveyed to the police-station without danger of rescue.

The greatest coolness and forbearance is necessary in cases of riot. If the police require to use their staves, they should be careful as to how they strike with them.

When charging a crowd the police should be careful to retain their formation in line, and constables should guard against the danger of becoming detached from their comrades and isolated.

Polling-stations, &c.—It will be the duty of the police to keep order at the polling-stations and entrances to the same. They must also render to the sheriff and under-sheriff what assistance they can.

There is no objection to the police being employed as assistants in protecting the ballot boxes, if necessary, but they should not at any time be in *sole charge* of the boxes.

PUBLIC MEETINGS.

Information with regard to the proposed holding of any important meeting should be immediately reported by constables to the proper quarter.

Under the Public Meetings Act, 1908, it is an offence for any person at a lawful public meeting to act in a disorderly manner with the object of preventing the transaction of the business for which the meeting was called, or to incite others to act in a disorderly manner.

Proceedings under the Act must be left to the promoters of the meeting, but the police should, if requested by the promoters, take the names and addresses of the offenders, whether the meeting be held in private premises or a public place.

In case a breach of the peace has taken place or is imminent the police should, without being called upon, enter a building and remain so long as it is necessary to quell or prevent such breach.

In every case absolute impartiality must be observed, and unnecessary interference must be avoided.

In case of any obstruction of pedestrian or vehicular traffic, or it be found that inconvenience is caused to the public, the police should request the persons causing the obstruction or inconvenience to move away, and if they refuse they will be liable to be proceeded against.

CHAPTER IX.

POLICE AND CRIMINAL STATISTICS.

Returns of crime are transmitted to the Home Office at the end of each calendar year.

The counties with the highest record of crime are those in which urban and seaport populations preponderate. In rural counties the ratio of crime falls. In seaport towns the convictions for drunkenness far outnumber convictions in agricultural counties or the metropolis.

CRIMINAL STATISTICS.

The police estimate in April, 1912, showed 3,885 habitual criminals at large, including 3,270 thieves, 433 receivers, and 182 other criminals.

Persons under Police Supervision. — The number of persons who were under the supervision of the Police during the year 1912 was 3,463, or allowing for persons who resided for the year in two police districts, 2,180. Nearly half of the supervisees live in London, and whilst more than 25 per cent. were reconvicted during the year, more than half the whole number were reported to be living honestly so far as the police knew.

The number of persons tried for indictable offences in 1912 was larger than in any previous year except 1908, but relatively to population 1912 would come sixth in order, the proportion being 184.8 per 100,000 population. In 1893 the number of persons tried was 57,357, and the proportion worked out to 192.7 per 100,000. The number in 1912 was 67,530. About fifteen-sixteenths of the indictable offences are acts of dishonesty, and the rise and fall of offences of this description and in particular of offences of simple larceny determine the annual fluctuations of the total of all crimes.

The Criminal Statistics for 1912, published this year, from which the above particulars are taken, show that in 1912 the Court of Criminal Appeal had 114 appeals for hearing. Of these, 1 was abandoned, 65 dismissed, in 19 the conviction or sentence was altered, and in 29 the appellant succeeded.

With regard to juvenile offenders, it is clear that children's courts are fulfilling their object, whilst the method of dealing with offenders under the Probation of Offenders Act, 1907, is producing very satisfactory results.

The total number of criminal lunatics under detention at the end of 1912 was 1,181, of whom 492 were accused of or had committed murder; 448 persons had been detained upwards of ten years.

INQUESTS.

The total number of inquests held in 1912 was 37,098, as against 37,612 in 1911, the annual average for the five years 1907 to 1911 being 36,720.

POLICE STATISTICS.

The authorised strength of the Metropolitan Police Force on 29th September, 1913, was 19,000, which includes those employed on special duties for various Government Departments, including dockyards and military stations, and by public companies and private individuals, whilst the strength of the City Police, including additional constables, is about 1,280.

The strength of the various other forces in the country on the 29th September, 1913, including additional constables, was as follows: Counties, 16,835; Boroughs, 17,536. And the net cost works out at about £5,500,000, which gives the average net cost per constable of £104 per annum.

THE POLICE (WEEKLY REST DAY) ACT,
1910.

This Act came into force in County Boroughs on the date fixed by the police authority not later than the 26th July last, and in respect of other forces if not in force on that date will

come into force on the day fixed by Order in Council.

The object of the Act is to ensure to every constable (not above the rank of inspector) one day's rest in seven (except in cases of emergency) and the effect will be to augment the strength of the police forces of the country to the extent of some thousands of men.

A White Paper published in 1913 showed that, at the time of publication, in 70 forces out of the 187 in England and Wales the Act was in complete operation, and in 69 more it was in partial operation. It is presumed that it is now in force practically everywhere.

PART II.

GENERAL SUBJECTS, STATUTES, &c.

Alphabetically arranged.

Abettors.—In misdemeanours there are no accessories, but whoever shall aid, abet, counsel or procure the commission of any misdemeanour, either at common law or under any statute, is liable to be tried, indicted, and punished as a principal.

This also applies to offences punishable on summary conviction.

Accessories.—The term “ accessory ” is used only with reference to felonies. An *accessory before the fact* is one who though absent at the time of the commission of a felony doth yet procure, counsel, command, or abet another to commit such felony.

An *accessory after the fact* is one who, knowing a felony to have been committed, receives, comforts or assists the felon. An accessory may be indicted, convicted, and punished in all respects as if he were a principal felon.

Agricultural Gangs.—The Agricultural Gangs Act, 1867, regulates the employment by gang-masters of children, young persons, and women in agricultural gangs. Gang-masters must be licensed. The licence is in force for six months at a time only. Females shall not be employed in the same gang as males, and no female may be employed in any gang under a male gang-master unless a female licensed as gang-master is also present with that gang. Children under eight cannot be employed.

Aliens.—The Aliens Act, 1905, was passed to regulate alien immigration and the expulsion of undesirable aliens and contains powers for preventing the landing of undesirable immigrants and provides penalties in respect of unlawful landing of immigrants and various other offences specified in the Act.

Power is conferred upon the Secretary of State to make an expulsion order under the circumstances laid down in the Act, and the fact that the average number of expulsion orders made for the first seven years after the Act came into force was 365, shows that the Act was and is a necessity.

Since the war between Austria and Germany and other Powers including our own country has been raging, it has been found necessary to deal more stringently with alien enemies, that is aliens belonging to nations at war with us, and on the 5th

August, 1914, the Aliens Restriction Act, 1914, was passed, giving to His Majesty at any time when a state of war exists between His Majesty and any foreign power or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council to impose restrictions on aliens, and Orders in Council have been made in accordance with the provisions of the Act, the result being that all alien enemies have been compelled to leave prohibited areas unless permits to remain have been granted, and so far as male alien enemies are concerned, a very large number have been arrested and placed in camps so as to prevent any possibility of their doing any harm.

Animals — Diseases of. — The Diseases of Animals Acts, 1894 to 1910, repeal former Acts on the subject, and give to the Board of Agriculture and Fisheries very extensive powers. A very large number of Orders have been made by the Board with regard to different matters, and generally speaking, any case arising under the Acts or Orders a constable will report at once to his superiors, and from them obtain instructions. Owners of animals affected with, or suspected of, contagious disease are required to at once give notice to the police of the existence of disease. The police should visit the premises and at once report the case to the Board of Agriculture and Fisheries by telegram addressed “Agrifi,

London," and also give information to the inspector appointed by the local authority.

Should disease be found to exist on premises they will be declared an "infected place," and no animal, carcase, manure, or other things, may be removed from the premises without a licence.

A constable may detain an animal which he suspects to be suffering from disease, taking the name and address of the owner, and of the person in charge of the animal. The circumstances should be forthwith reported.

Animals — Protection of. — The Protection of Animals Act, 1911, and the Protection of Animals (1911) Amendment Act, 1912, consolidate, amend, and extend certain enactments relating to animals and to knackers, and make further provision with respect thereto.

Under section 1 of the 1911 Act it is an offence for any person :—

(a.) To cruelly beat, kick, ill-treat, override, overdrive, overload, torture, infuriate, or terrify any animal, or cause or procure, or being the owner, permit any animal to be so used, or by wantonly or unreasonably doing or omitting to do any act or causing or procuring the commission or omission of any act, cause any unnecessary suffering to be so caused to any animal, or being the owner, permit any unnecessary suffering to be caused to any animal ;

(b.) To convey or carry, or cause or procure, or being the owner permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering ;

(c.) To cause, procure, or assist, at the fighting or baiting of any animal ; or to keep, use, manage, or act, or assist in the management, of any premises or place for the purpose or partly for the purpose of fighting or baiting any animal, or permit any premises or place to be so kept, managed, or used, or receive, or cause, or procure any person to receive money for the admission of any person to such premises or place.

(d.) To wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner permit such administration of any poisonous or injurious drug or substance to any animal, or to wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal.

(e.) To subject, or cause, or procure, or being the owner permit to be subjected any animal to any operation which is performed without due care and humanity.

An owner shall be deemed to have permitted cruelty under the above provisions if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal from such cruelty, but if the owner is convicted of permitting cruelty by reason

only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall render illegal any act lawfully done under the Cruelty to Animals Act, 1876, or shall apply to any act done in the course of the destruction of any animal for food, unless such destruction was accompanied by the infliction of unnecessary suffering ; or to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated or exhausted condition.

Section 2 empowers the court on conviction of the owner to order the destruction of an animal where it would be cruel to keep the animal alive. Expenses incurred are recoverable as a civil debt. If the owner do not assent to the destruction of the animal no order shall be made except on the evidence of a duly registered veterinary surgeon.

Section 3 empowers the court to deprive a person convicted of cruelty of ownership of animal, and dispose of it as they think fit, but no order shall be made unless upon proof of previous conviction or evidence that owing to the character of the owner the animal if left with him is likely to be exposed to further cruelty.

Section 4 provides for compensation in respect of damage to any animal, person, or property, caused by cruelty to such animal.

KNACKERS.—The Knackers Acts require that every person carrying on the business of a “knacker” shall be licensed and shall have his premises registered.

“Knackers” are required by section 5 to comply with certain regulations set out in the first Schedule as follows:—

- (1) The name of the knacker, together with the word “knacker” shall be affixed in a conspicuous manner over door or gate of yard.
- (2) The hair shall be cut from the neck of any horse, ass, or mule directly after delivery to the knacker.
- (3) All animals shall be slaughtered with as little suffering as possible within two days of delivery. Any animal which is in pain is to be at once slaughtered.
- (4) All animals shall be properly fed and watered after delivery to knacker.
- (5) No animal shall be used or employed for any work after delivery.
- (6) The knacker shall enter in a book kept for the purpose such a full and correct description of the colour, marks, and gender of every animal delivered to him as may clearly distinguish and identify the same, and the name and address of owner, the book to be produced to a justice upon requirement, and a constable or other authorised person to be at liberty to inspect and take extracts.
- (7) Persons under sixteen years of age shall not be admitted to, or permitted to remain in knacker's yard during process of slaughtering or of cutting up of carcase of animal.
- (8) No

animal shall be killed in the sight of any other animal awaiting slaughter. (9) The knacker shall not sell or part with alive any animal which has been delivered to him, or cause, procure, or permit such act.

Power of entry is given to constables to see whether the Act is being complied with, and a penalty is provided for obstructing constable.

A person licensed to slaughter horses shall not during such time carry on the trade or business of dealer in horses.

Under section 7 it is an offence for any person to impound or confine, or cause to be impounded or confined, any animal in any pound and fail to supply it with a sufficient quantity of wholesome suitable food and water.

If any animal is so impounded or confined without suitable food or water for six successive hours, any person may supply the animal therewith. Expenses are recoverable from the owner as a civil debt.

Section 8 provides that any person selling, or offering, or exposing for sale, or giving away, or knowingly being a party to the sale of, any grain or seed which has been rendered poisonous, except for *bona fide* use in agriculture, or knowingly putting or placing, or being a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous, such person shall be liable to a penalty.

Under section 9 penalties are provided against any person who shall use, or permit to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow, on any public highway.

Section 10 provides that any person who sets, or causes to be set, any spring trap for the purpose of catching any hare or rabbit, shall inspect or cause some competent person to inspect the trap at reasonable intervals of time, and at least once every day between sunrise and sunset.

Under section 11 if a constable finds any animal so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon (if any such surgeon resides within a reasonable distance). and, if such surgeon certifies that the animal is so severely injured, or so diseased, or in such condition that it is cruel to keep it alive, the constable can, without the consent of the owner, cause the animal to be slaughtered. If slaughter takes place on public highway the police can remove the carcase therefrom.

If the veterinary surgeon certifies that the animal can without cruelty be removed, the person in charge of the animal shall forthwith

cause it to be removed with as little suffering as possible, and if he fail so to do, the constable may forthwith remove the animal.

Expenses reasonably incurred (including surgeon's expenses) are recoverable as a civil debt.

Section 12 gives power to a police constable *to apprehend without warrant* any person who he has reason to believe is guilty of an offence under the Act which is punishable *by imprisonment without the option of a fine*, whether upon his own view or the complaint and information of any other person giving his name and address to the constable. Power is also given in cases where a person having charge of a vehicle or animal is apprehended for an offence under the Act, to a constable to take charge of the vehicle or animal and deposit the same for safe custody until the case is over, and the costs may be recovered as a civil debt or where the owner is convicted shall be part of the costs.

Under section 13 employers and owners are to produce drivers or animals if so required upon the hearing of proceedings.

DEFINITIONS—(a.) The expression "animal" means any domestic or captive animal;

(b.) The expression "domestic animal" means any horse, ass, mule, bull, sheep, pig, goat, dog, cat, or fowl, or any other animal of

whatsoever kind or species, and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man ;

(c.) The expression "captive animal" means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement ;

(d.) The expression "horse" includes any mare, gelding, pony, foal, colt, filly, or stallion ; "bull" includes any cow, bullock, heifer, calf, steer, or ox ; "sheep" includes any lamb, ewe or ram ; "pig" includes any boar, hog, or sow ; "goat" includes a kid ; "dog" includes any bitch, sapling, or puppy ; "cat" includes a kitten ; "fowl" includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea-fowl, peacock, peahen, swan, or pigeon ;

(e.) The expression "knacker" means a person whose trade it is to kill any cattle not killed for the purpose of the flesh being used as butcher's meat ; "knacker's yard" means any building or place used for the purpose or partly for the purpose of such trade or business, and the expression "cattle" includes any horse, ass, mule, bull, sheep, goat, or pig ;

(f.) The expression "pound," used in relation to the impounding or confining of animals, includes any receptacle of a like nature.

A constable may, without warrant, stop and detain a person found committing, or reasonably suspected of being engaged in committing an offence against the Diseases of Animals Act, 1894; and, if his name and address are not known to the constable, and such person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine any animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

If any person obstructs or impedes or assists to obstruct or impede a constable or other officer in the execution of this Act or of an order of the Board or of a regulation of a local authority, the constable or officer may, without warrant, apprehend the offender.

A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that

purpose and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

The constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

Arsenic, Sale of.—Under the Arsenic Act, 1851, it is provided that any person selling arsenic save as authorised by the Act, or without entering in a book the particulars required by the Act, namely, a statement of the sale, quantity sold, purpose for which stated to be required, date when sold, name, address and occupation of purchaser (into all of which enquiries must be made by the seller before delivery), such entry to be signed by seller and purchaser, or selling to a person who is unknown, unless in the presence of a witness who knows both parties, or to a person under age, or without mixing the arsenic with soot or indigo in given proportions, and any person giving false information as to any particulars required by the Act is liable to a penalty not exceeding £2.

Barbed Wire Act, 1893.—This Act provides that where there is on any land adjoining a highway within the district of a local authority a barbed wire fence which is “a nuisance to highway,” viz., wire which may probably be injurious to persons or animals lawfully using such highway, the authority may serve notice in writing on the occupier requiring him to abate the nuisance and upon his failing to do so a court of summary jurisdiction may, upon due proof of the nuisance, order the occupier to remove it; if he fail the local authority may remove it and recover the costs as a civil debt.

Constables should report all cases coming within the Act to the superintendent so that he may inform the local authority.

Betting — In Houses, &c. — Under the Betting Act, 1853, it is an offence for the owner or occupier of, or any person having the care or management of, or assisting in or using any house, office, room or other place to open, keep or use the same for the purpose of (a) betting with persons resorting (that is physically resorting) thereto; or (b) for the receipt by the owner, occupier or keeper thereof, or any person using the same, of any money, &c., for ready money betting.

Upon receipt of information that any such premises are being used as a betting house, a constable should immediately report the matter to his superiors in order that observations may be kept for the purpose of definitely

ascertaining whether there is a user (which implies something habitual) with a view of an application for a warrant to search the premises, arrest offenders and seize documents, &c., relating to betting.

The Act does not apply to betting between members of a *bona fide* club, not established for betting purposes, although betting is one of its main features and persons use the club for the purpose of betting with each other.

The habitual use of premises for the paying out of money relating to betting transactions is not an offence against the Act.

The Street Betting Act, 1906 (which does not apply to race courses on racing days), provides that any person frequenting or loitering in streets (including any highway and any public bridge, road, footway, square, court, alley, or passage whether a thoroughfare or not), highways, or public places, on behalf either of himself or of any other person, for the purpose of bookmaking, betting or wagering, or agreeing to bet or wager, or paying or receiving or settling bets, is liable to the penalties mentioned, and may be arrested without warrant, and any articles relating to betting found on him may be seized and detained.

“Public place” includes any public park, garden or sea beach, and any unenclosed ground to which the public for the time being have unrestricted access, and also any enclosed

place (not being a public park or garden) to which the public have restricted access (whether on payment or otherwise) if at or near every public entrance there is conspicuously exhibited a notice prohibiting betting therein.

ADVERTISING BETTING.

By the Betting Act, 1874, every person sending, exhibiting, or publishing, or causing to be sent, &c., any letter, circular, telegram, placard, handbill, card or advertisement, whereby it is made to appear that any person will on application give information or advice with regard to betting as prohibited by the Betting Act, 1853; or will make on behalf of any other person any bet or wager; or with intent to induce any person to apply to any house, &c., or to any person for information or advice as to any such bet or wager or inviting any person to make or take any share in any such bet or wager, is guilty of an offence.

The Betting and Loans (Infants) Act, 1892, makes it an offence to send or cause to be sent to a person known to be an infant for the purpose of earning commission, reward, or profit, circulars, &c., inviting the infant to engage in betting transactions.

Bicycles.—Bicycles and tricycles and other similar machines are declared by section 85 of the Local Government Act, 1888, to be carriages within the meaning of the Highway

Acts, and the following additional regulations are to be observed by any person or persons riding or being upon such carriage :—

REGULATIONS.—(a.) During the period between one hour after sunset and one hour before sunrise every person riding or being upon such carriage shall carry attached to the carriage a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage ;

(b.) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, being on or proceeding along the carriage way, every such person shall, within a reasonable distance from and before passing such cart or carriage, horse, mule, or other beast of burden, or such foot passenger, by sounding a bell or whistle or otherwise, give audible and sufficient warning of the approach of the carriage.

A constable who forcibly stops the rider of a bicycle, &c., offending against either of the above regulations will be liable to be proceeded against for assault.

Billeting.—Under the Army Act, 1881, the constabulary are required to act as billet masters when so called upon by the military authorities.

Officers and soldiers are to be billeted in a fair proportion on the occupiers of *victualling houses*, i.e., inn and hotel keepers, publicans, on-beerhouse keepers, and sellers of wines and spirits, &c., by retail. The commanding officer may, where practicable, require that not less than two men shall be billeted in one house. The men's names need not be inserted in billets.

The provisions of the Act apply also to the auxiliary forces when subject to military law.

The Act was amended by the Army (Annual) Act, 1909, so as to provide that in cases of emergency the occupiers of all public buildings, warehouses, barns, and stables should be liable to billets. The prices to be paid in the case of victualling houses are fixed in the Schedule to the Act of 1909, but those to be paid in case of emergency are fixed by the Army Council with the consent of the Treasury.

The Army (Annual) Act, 1913, fixes the prices to be paid to the keeper of a victualling house in respect of "regulars," the Schedule in the 1909 Act referring to "Territorials."

Lists should be kept at police stations of all houses *within a mile* of station where billets can be had, and when billeting care must be taken that billets be made *out to the less distant victualling houses* if suitable before billets be made out for those more distant.

Billiards.—Justices may grant billiard and bagatelle licences at a licensing sessions under the Gaming Act, 1845, s. 10. Any person keeping a public billiard table, &c., without a licence, and not holding a victualler's licence for the premises where it is kept, or not having the words "licensed for billiards" legibly printed in some conspicuous place near the door and on the outside of the house, is liable to a penalty.

Other offences are :—

(a.) Wilfully or knowingly permitting drunkenness or other disorderly conduct in the house.

(b.) Knowingly suffering persons of notoriously bad character to assemble and meet together therein.

(c.) Knowingly allowing the consumption of exciseable liquor by persons resorting thereto.

(d.) Opening the house for play or allowing play therein after 1 and before 8 in the morning, or keeping open or allowing any play on Sundays, Christmas Day, or Good Friday, or any public fast or thanksgiving.

(e.) Refusing to admit constable.

A victualler may not allow billiard playing at any time during which his house is required to be closed for the sale of intoxicating liquor, not even by his lodgers, but presumably a beerhouse keeper holding a billiard licence may allow billiard playing up to 1 o'clock in the morning.

Birds.—Wild Birds Protection Acts, 1880 to 1908. These Acts were passed to establish a close season for wild birds and to protect them and their eggs, and provide amongst other things that it shall be an offence for any person between March 1st and August 1st to knowingly or wilfully shoot or attempt to shoot, or use any boat for the purpose of shooting or causing to be shot any wild bird, or using any lime, trap, snare, net, or other instrument for the purpose, or expose or offer for sale, or have in his control or possession after March 15th any wild bird recently taken or killed. Penalty in case of wild birds included in Schedule, £1, and in the case of any other wild bird, for a first offence to be reprimanded and discharged on payment of costs, and for any subsequent offence a fine of 5s. for each bird, unless it be proved that the bird was lawfully killed or taken, &c., or received from outside the United Kingdom.

The section does not apply to the owner or occupier of any land, or to any person authorised by the owner or occupier killing or taking on such land wild birds not included in schedule, and it is a defence that the killing of the bird, if in a place to which the Act extends was lawful at the time when and by the person by whom it was killed, or that the bird was killed in some place to which the Act does not extend, and the fact that the bird was imported from some place to which the Act does not extend shall until the

contrary is proved be evidence that the bird was killed in such place.

SCHEDULE.—The schedules to the Acts include American quail, auk, avocet, bee-eater, bittern, boxie, colin, Cornish chough, coulterneb, cuckoo, curlew, diver, dotterel, dunbird, dunlin, eider duck, fern owl, fulmar, gannet, goatsucker, godwit, goldfinch, grebe, green-shank, guillemot, gull (except black-backed gull), hoopoe, kingfisher, kittiwake, lapwing, lark, loon, mallard, marrot, merganser, murre, night-hawk, nightjar, nightingale, oriole, owl, oxbird, oyster catcher, peewit, petrel, phalarope, plover, ploverspage, pochard, puffin, purre, razor bill, red shank, reeve or ruff, roller, sanderling, sandpiper, scout, sealark, seamew, seaparrot, sea-swallow, shearwater, shelldrake, shoveller, skua, smew, snipe, solangoose, spoonbill, stint, stone curlew, stonehatch, summer snipe, tarrock, teal, tern, thick knee, tystey, whaup, whimbrel, widgeon, wild duck, willock, woodcock, woodpecker.

A Secretary of State may upon representation of the council concerned order that the Act shall apply to any species of wild bird not included in the schedule.

Under the Wild Birds Protection Act, 1894, a Secretary of State may, upon application by order, prohibit the taking or destroying of eggs.

Power is given to a Court, in addition to imposing a penalty, to order any trap, net,

snare, or decoy bird, used for taking any wild bird, and also any wild bird or wild bird's eggs to be forfeited.

Under the Wild Birds Protection Act, 1904, the use of "pole traps," springs, traps, gins, and other similar instrument calculated to cause bodily injury to any wild bird coming in contact therewith, is prohibited.

The Wild Birds Protection Act (St. Kilda), 1904, protects certain species of birds in the Island of St. Kilda.

The Wild Birds Protection Act, 1908, prohibits the taking or attempting to take any wild bird by means of a hook or other similar instrument.

Any person may enforce provisions of Acts, and full information regarding same may be obtained from the Hon. Secretary, Royal Society for the Protection of Birds, 23, Queen Anne's Gate, London, S.W.

Blasphemy.—This is a misdemeanour punishable by fine or imprisonment or both. Quarter Sessions cannot try it.

It is blasphemy to publish any profane words vilifying or ridiculing God, Jesus Christ, the Holy Ghost, the Bible, or Christianity in general, with intent to shock and insult believers, or to pervert or mislead the ignorant and unwary.

Brawling.—It is an offence to be guilty of riotous, violent, or indecent behaviour in any

cathedral church, parish or district church or chapel of the Church of England, or in any chapel of any religious denomination, or in any place of religious worship duly certified at any time, or to molest, let, disturb, vex or trouble, disquiet or misuse any preacher duly authorised to preach therein, or any clergyman in Holy Orders ministering or celebrating any sacrament or any divine service rite or office in any cathedral church or chapel, churchyard or burial ground. Offenders may be apprehended by constable or churchwarden.

Bread.—Under the Bread Act, 1836 (section 6), bakers and sellers of bread are liable to penalties for selling bread, other than French or fancy bread or rolls, in any other manner than by weight—such weight to be avoirdupois weight—or for not keeping a beam and scales with proper weights or other sufficient balance in some conspicuous part of the shop on or near the counter, or for having or using incorrect or false beam or scales or balance or any false weight. Section 7 of the Act provides a penalty upon any baker, seller of bread, or his servant, &c., who shall carry out or deliver bread from cart without being provided with a correct beam and scales with proper weights or other sufficient balance, or whose weights shall be deficient, or who shall refuse to weigh any bread in the presence of the purchaser, if requested to do so by the purchaser.

Proceedings must be taken within *forty-eight* hours of offence (exclusive of Sunday), or within such reasonable time as to the justices may seem fit.

Sections 8 to 11 of Act refer to adulteration of bread, flour, &c., and issue of search warrant by justice.

Bribery.—Under the Prevention of Corruption Act, 1906, it is an offence for an agent to corruptly accept or obtain or agree to accept or attempt to obtain from any person for himself or any other person any gift or consideration as an inducement or reward for doing or forbearing to do any act in relation to his principal's business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's business; or for a person to corruptly give or agree to give or offer any gift or consideration to an agent in respect of any of the above acts or if any person knowingly gives to any agent or an agent knowingly uses with intent to deceive his principal any receipt, account or other document in respect of which he is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal.

A prosecution cannot be instituted without the consent of the Attorney or Solicitor General.

The Public Bodies Corrupt Practices Act, 1889, deals with the corruption of, or corrupt practices by members, officers, or servants of public bodies.

Chaff Cutting Machines.—The Chaff Cutting Machines (Accidents) Act, 1897, requires that the feeding-mouth or box of every machine worked otherwise than by manual labour shall be provided with fittings to secure safety, so as to prevent the hand or arm from being drawn between the rollers to the knives, and the flywheels and knives must when the machine is working be securely fenced. Power is given to a constable upon instructions of an inspector or officer of higher rank than inspector to enter for the purpose of inspecting.

Children and Infants.—An “infant” in law is a person under the age of twenty-one.

An infant under the age of seven years is not criminally responsible. A child is not punishable unless he is in the opinion of the Court above seven years *and* of sufficient capacity to commit crime; above seven and under fourteen, if it appears to the Court and jury that a child could discern between good and evil, he may be convicted. After fourteen he is presumed to have sufficient discretion, unless there is positive proof to the contrary.

Under the Summary Jurisdiction Act, 1879, amended by the Summary Jurisdiction Act, 1899, the Children Act, 1908, and the Criminal

Justice Administration Act, 1914, provision is made for summarily dealing with young persons for indictable offences, except homicide.

Children Act, 1908.—This Act amended, strengthened and consolidated the law for the purpose of guarding young lives against cruelty, danger and neglect.

The Act is divided into six parts, as follows :

Part 1.—Infant Life Protection.

2.—Prevention of Cruelty to Children and Young Persons.

3.—Juvenile Smoking.

4.—Reformatory and Industrial Schools.

5.—Juvenile Offenders.

6.—Miscellaneous and General.

PART 1.

Part 1 repealed entirely, but re-enacted with some important amendments the provisions of the Infant Life Protection Act, 1897, and as the duties under this part fall upon the Poor Law Guardians, except in London where so far as the County of London, the London County Council, and in the City, the Common Council are the local authority, it is not necessary to make further reference to the provisions.

PART 2.

This part relates to the prevention of cruelty to children and young persons, and is largely based upon the Prevention of Cruelty to Children Act, 1904, which is repealed and

substantially re-enacted with valuable additions.

Section 12 deals with punishment for cruelty and contains power to increase the penalty, or imprisonment in cases of persons convicted who have an interest in money payable upon death of a child.

Section 13 deals with suffocation of infants and the effect of the section is that:—

Where the death of an infant under three years of age by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air-passages of the infant) *whilst in bed with some other person over sixteen years of age, who was at the time of going to bed under the influence of drink, such person shall be deemed to have neglected the infant in a manner likely to cause injury to its health within the meaning of this Part of the Act.*

Under section 14 it is an offence to cause or procure or allow any child or young person to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether there is any pretence of singing, playing, performing, offering anything for sale, or otherwise. Penalty £25, or alternatively, or in default, or in addition, imprisonment with or without hard labour for not exceeding three months.

When proof has been given that a child or young person was in any street, &c., for any

such purpose as aforesaid, and that the person charged allowed such child or young person to be in the street, &c., he shall be presumed to have allowed him to be there for that purpose unless the contrary is proved.

By section 15 a new offence was created by providing that if a child under seven is killed or suffers serious injury by burning or scalding through an open firegrate not being sufficiently guarded, any person over the age of sixteen having the custody of the child and not taking proper precautions is liable to a penalty of £10, and may be proceeded against by indictment.

Section 16 contains a new provision and deals with allowing children or young persons (between four and fourteen years of age) to reside in or to frequent a brothel. The penalty for allowing children or young persons to be in brothels is £25.

Section 17 deals with the punishment of persons causing, encouraging, or favouring the seduction or prostitution of girls under sixteen. This is, again, a new and very necessary provision, and the offender is liable on indictment to imprisonment with or without hard labour for not exceeding two years.

Section 18 is new, and in the case of persons having the custody of a girl under the age of sixteen who is, with the knowledge of such person, exposed to the risk of seduction or

prostitution, the section gives power to bind over the custodian to exercise due care and supervision in respect of the girl.

Section 19 empowers a constable to arrest without warrant any person whom he sees committing an offence under the Act where he cannot ascertain the name and address of such person, or who is believed to have committed any of the offences in the first Schedule to the Act and is likely to abscond, or whose name and address the constable cannot ascertain.

Detention of children and young persons in place of safety is provided for in section 20, whilst sections 21, 22, and 23 deal with the disposal of child or young person by order of Court where parent convicted, &c.

Maintenance.

Religious persuasion of person to whom the child is committed.

Section 24 provides for warrant to search for or remove a child or young person in respect of whom it is suspected that an offence has been committed.

By section 26 a person convicted of cruelty to child, &c., may be dealt with and sent to a retreat as a habitual drunkard, instead of being sent to gaol, provided :—

- (1) He consents ;
- (2) If wife or husband object, Court must hear and consider objection ;
- (3) Court before making order must be satisfied that expenses will be defrayed.

Section 27 gives power to accused to give evidence, and sections 28, 29 and 30 deal with evidence of children, &c.

The question of evidence of a child or young person is of such importance that it is necessary to deal at some length with it.

Under section 28 power is given to a justice, if satisfied by the evidence of a duly qualified medical practitioner that the attendance before a Court of any child or young person, in respect of whom an offence under Part 1 of the Act or any of the offences in the first Schedule is alleged to have been committed would involve serious danger to the life or health of the child or young person, to take the child's deposition at some other place, and the deposition shall be duly transmitted to the Court to which any accused person is already committed, or in other cases to the clerk of the peace and subject to due compliance with the section, and satisfactory medical evidence before the Court of Trial, the deposition shall be admissible as provided by section 29.

With regard to the evidence of children of tender years, section 30 provides for the taking of a deposition not upon oath where the child does not understand the nature of an oath, if the child is of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. But such evidence must be corroborated by

other material evidence in support in order to justify a conviction.

Under the Criminal Justice Administration Act, 1914, the provisions of section 30 shall apply to proceedings against persons for offences not mentioned in such section in like manner as in respect of offences mentioned therein.

PART 3.

By this part of the Act the sale of cigarettes or cigarette papers to persons apparently under the age of sixteen years, whether for their own use or not, is an offence, as also is the selling of tobacco to such persons except the seller did not know and had no reason to believe that it was for the use of that person. Smoking mixtures intended as a substitute for tobacco, are to be treated as cigarettes.

Constables or park keepers in uniform are required to seize cigarettes and cigarette papers in the possession of any person apparently under sixteen years of age whom they find smoking in the street or public place. Disposal to be as police authority direct in case of seizure by a constable, and by park authority if seized by park keeper.

Boys may be searched but not girls.

If automatic machines are extensively used by children or young persons to obtain cigarettes, a Court may order the owner or person on whose premises the machine is kept

to take such precautions to prevent the machine being used as may be specified, or if necessary, to remove the machine within a specified time; subject to right of appeal to Quarter Sessions.

The penalty for disobedience of the order is £5, and a further daily penalty of £1.

Boys employed by tobacco dealers or manufacturers and boy messengers in uniform in the employment of a messenger company and so employed at the time are exempted from the above provisions. Not so the ordinary boy who may still go to buy his master's tobacco but must not, if under sixteen, purchase cigarettes for his master.

PART 4.

This part deals with Reformatory and Industrial Schools, and the law which formerly had to be taken from many statutes is now contained within a comparatively moderate compass, or at any rate in one Act in which the main portion of the statute law upon the subject is to be found instead of being dealt with by more than twenty different Acts of Parliament.

Under the Reformatory Schools Act, 1866, a youthful offender could not be sent to a reformatory school without first being sent to gaol.

Then came the Act of 1893 which gave power to dispense with imprisonment, and now such

a person cannot be sent to gaol in addition to being ordered to be detained in a reformatory school.

PART 5.

This part deals with juvenile offenders and contains sections 94 to 113.

The object appears to be to dissociate the trial and punishment of youthful offenders from the ordinary methods of dealing with criminals. They will be kept out of contact with the adult offender both in the hearing of their cases and in their punishment.

The following is a summary of the provisions of this part of the Act.

It is provided that when arrested all persons under sixteen must be released on bail unless they can forthwith be brought before a Court or unless the crime is a grave one, such as homicide, or it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute, or the superintendent or inspector has reason to believe that the release would defeat the ends of justice. If not bailed he must be detained in a place of detention unless for special reasons this is not practicable, safe or advisable (which fact must be certified to the Court). At the police station the child or young person shall be prevented so far as practicable from associating with an adult charged with an offence unless such adult be a relative.

The police authority have to keep a register of places of detention and a copy must be kept at every courthouse and police station, and a child or young person so detained, and whilst being conveyed to and from such place of detention, is to be deemed in legal custody, and if he escapes may be apprehended and brought back without a warrant.

Provision is, of course, made for the expenses.

With regard to juvenile courts, the general public, except by leave of the Court, are to be excluded, only the parties to the particular case, their solicitors and counsel, and other persons directly concerned, and the Press, being allowed to be present.

A child, or young person, when convicted and not released on bail, must be sent to such a place of detention instead of to prison, unless he is so unruly, or depraved, in which case he may still be sent to prison.

After conviction, custody in place of detention is substituted for imprisonment or penal servitude.

Death sentences on juveniles are abolished.

Parents or guardians are required to attend the hearing of charges unless valid reason to the contrary is shown and a Court may and must, if the offender is a child, order the penalty imposed to be paid by the parent or guardian, unless the Court is satisfied that he has not neglected to exercise due care of the child.

The alternative methods of treatment provided by the Act and the Criminal Justice Administration Act, 1914, are :—

- (1) Dismissal.
- (2) Discharge on giving security.
- (3) Discharge and supervision by probation officer.
- (4) Committal to relation or fit person.
- (5) and (6) Sending to industrial or reformatory school.
- (7) Whipping.
- (8) Fine and damages.
- (9) Fine or damages to be paid by parent or guardian.
- (10) Parent or guardian giving security for good behaviour.
- (11) Committal to place of detention.
- (12) Sentencing young persons to imprisonment.
- (13) Placing the offender under a probation officer of a recognised society as provided by section 7 of the Criminal Justice Administration Act, 1914.
- (14) Dealing with the case in any other way in which it may be legally dealt with provided that the Court must not deal in any manner in which it could not deal with the case apart from section 107.

PART 6.

MISCELLANEOUS AND GENERAL.

Several new offences were provided for in this part of the Act. Under section 114 a Court may be cleared of all persons whose attendance is not required, or necessary, whilst a child or young person is giving evidence in cases of indecency, and section 115 prevents a child from being present except so long as his presence is required.

Section 116 prohibits the purchase by dealers in old metal or marine stores from purchasing from any person apparently under sixteen any old metal, including broken metal or partly manufactured metal goods, or old or defaced metal goods. It must, however, be observed that the metals are those referred to in the Prevention of Crime Act, 1871, namely, lead, copper, brass, tin, pewter and German silver, spelter, or any composite of which any one of them is the principal ingredient.

Section 117 prevents a pawnbroker from taking pawns from a person under fourteen, whether offered in pledge on his own or another's behalf. (In the Metropolis the age is sixteen).

Section 118 is important as it provides penalties on vagrants for preventing their children from receiving education and gives power to a constable to arrest, if he has reasonable ground for believing that a person is guilty under the section.

Section 119 provides a penalty upon a person who gives to children under five years intoxicating liquor except under medical orders or in case of sickness or apprehended sickness or other urgent cause.

Section 120 provides for the exclusion of children from bars of licensed premises, except during the hours of closing.

A bar is defined to be any open drinking bar, or any part of the premises exclusively or mainly used for the sale of and consumption of intoxicating liquor, and not only is the licensee liable to a fine, but the person who takes a child into a bar as defined.

Section 121 deals with the safety of children at public entertainments (not private dwelling-houses) where the majority of persons attending are children and the number attending exceeds 100, and access is by stairs. The provider of the entertainment is required to employ a sufficient number of adult attendants, properly instructed and properly stationed to prevent overcrowding and to control the movement of the children, &c.

A constable may enter to see that the provisions are carried out and proceedings may be instituted in cases of premises licensed by a council by that body and in other cases by the police.

Section 122 deals with the cleansing of verminous children attending public elementary schools, and if the parent fail to carry

out his duties, the school medical officer may have the cleansing carried out.

Children (Dangerous Performances) Acts, 1879-1897.—These Acts provide a penalty upon a person causing a male under the age of sixteen years and any female under the age of eighteen years to take part in dangerous performances, and for the indictment of an employer in case of accident arising to a child, &c., in the course of a public exhibition or performance, and also for compensation on conviction of the employer.

Proceedings cannot be commenced without the consent of the chief officer of police except in cases of accident and causing bodily harm to the child or young person.

Children (Employment Abroad) Act, 1913.—This Act prohibits persons from causing, procuring or allowing a child to go out of the United Kingdom, for the purpose of singing, playing, performing, or being exhibited, and in case of a young person, except upon licence duly granted as required by the Act.

Power is given to a constable or other authorised person to remove to a place of safety any child or young person in respect of whom there is reason to believe that an offence under the Act has been or is about to be committed.

Children, Employment of.—The Employment of Children Act, 1903, empowers a local

authority to make byelaws regulating the employment of children and street trading. Where no byelaws are in force a child shall not be employed between 9 p.m. and 6 a.m.

A child under eleven years of age shall not be employed in street trading.

No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

A child shall not be employed to lift, carry or move anything so heavy as to be likely to cause an injury to the child, nor shall he be employed in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

A certificate signed by a registered medical practitioner, and sent by the local authority to the employer of any child with regard to the lifting, &c., of any specified weight, is admissible in evidence in any proceedings against the employer in respect of the employment of the child.

A justice is empowered on complaint of an officer of a local authority that he believes that a child is employed in a place in contravention of the Act to grant an order to the officer to enter such place and examine it, and any person touching the employment of any child therein, and a penalty of £20 is provided for obstruction of the officer.

It should be noted that proceedings must be taken within three months of the offence.

Under the Prevention of Cruelty to Children Act, 1904, it is an offence for any person to cause, procure, or allow a boy under fourteen or girl under sixteen to be in any street or licensed house other than premises licensed for public entertainments for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale between 9 p.m. and 6 a.m.

The Act absolutely prohibits the employment of a child under eleven years of age in the above manner at any time, and also the causing or procuring or allowing any child under sixteen to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or for any dangerous exhibition or performance.

The above provisions do not apply to occasional sales or entertainments held for the benefit of a school or charitable object in premises not licensed for the sale of intoxicating liquor, and not licensed for public entertainments, or in case of a sale or entertainment held in a place licensed for entertainments if a special exemption has been granted by two justices.

Children, Licences for Employment of.—

Under the Act a petty sessional court may, notwithstanding anything in the Act or the Employment of Children Act, 1903, grant licences for such time and during such hours

and subject to such restrictions as seem fit for any child over ten years of age to perform, &c.

Seven days' notice must be given to the police, and a copy of any licence must be sent to the local authority.

Any person offending against the Act within view of a constable may be arrested if the constable cannot ascertain the offender's name and address, but bail must be taken in cases of arrest without warrant, unless the release would tend to defeat the ends of justice or likely to cause injury or danger to the child affected.

The onus of proving that a child is above the age alleged in any charge is upon the defendant.

Chimney Sweepers and Chimney Regulation Acts.—It is an offence for any person to compel or allow anyone under 21 to ascend or descend a chimney or enter a flue for the purpose of sweeping, &c. The Chimney Sweepers Regulation Act, 1864, prohibits any chimney sweeper employing any child under ten years of age in his business elsewhere than on his premises, nor is he to take with him into any building to sweep chimneys (or extinguishing fires) any person in his employ under sixteen years of age.

The Chimney Sweepers Act, 1875, requires that "every person carrying on the business

of a chimney sweeper, *and who employs any journeyman, assistant, or apprentice*, shall take out a certificate, issued by chief officer of police." Certificates remain in force for one year, may not be assigned, and require to be endorsed if used in districts other than the one for which issued. (Fee 2s. 6d.)

Police can demand production of certificate.

The Chimney Sweepers Act, 1894, prohibits a chimney sweeper knocking at doors, ringing bells, or using noisy instruments to annoyance of inhabitants, for the purpose of soliciting employment as a chimney sweeper.

Cinematograph Act, 1909.—An Act to make better provision for securing safety at cinematograph and other exhibitions.

Section 1 enacts that cinematograph exhibitions for the purpose of which inflammable films are used may only be given in premises licensed for the purpose, and in compliance with Home Office Regulations.

Section 2 provides for the granting of licences for not longer than twelve months, and requires *seven days'* notice in writing to the county council and to the chief officer of police.

Section 4 gives "power of entry" on premises to a constable or officer appointed, and provides penalty for obstruction.

Section 5 enables the county or other council to delegate their powers to the justices.

Section 7 provides that a licence need not be obtained for occasional exhibitions where the premises are not used on more than six days in the year, subject to seven days' notice to police of any exhibition, and compliance with the regulations and conditions.

The section also provides that it shall not be necessary to obtain a licence for an exhibition in a movable structure if the owner has been granted a licence in the district in which he ordinarily resides, has given two days' notice at least to the local authority and chief officer of police of the intended exhibition, and complies with the regulations and conditions.

It is further enacted that the Act is not applicable "to an exhibition given in a private dwelling-house to which the public are not admitted whether on payment or otherwise."

Coinage Offences Act.

COUNTERFEIT COIN.—The following are the most important offences under the Coinage Offences Act, 1861.

Making or counterfeiting any coin resembling or apparently intended to resemble or pass for any of the King's current gold or silver coin.

Gilding or silvering or by any means washing, casing over, or colouring any coin, &c., so as to make it resemble or pass for any of the King's current gold or silver coin, or making any silver coin resemble gold coin.

Impairing, diminishing, or lightening any gold or silver coin with intent that the same may pass for current gold or silver coin and the unlawful possession of filings or clippings or gold or silver bullion or gold or silver in dust, solution, or otherwise, knowing the same to have been so produced or obtained.

Without lawful authority or excuse buying, selling, receiving, paying or offering to buy, &c., any false or counterfeit gold or silver coin at a lower rate or value than its face value.

Without lawful authority importing into the United Kingdom or knowingly exporting any counterfeit coins.

Knowingly tendering or uttering or putting off any false or counterfeit gold or silver coin.

Knowingly tendering or uttering any false or counterfeit gold or silver coin, and at the same time or within ten days thereof, having in his custody or possession any other piece of false or counterfeit gold or coin besides that so tendered.

Knowingly having in his custody or possession three or more pieces of counterfeit gold or coin with intent to utter the same.

Defacing gold, silver or copper coin, by stamping thereon any name or words, whether such coin shall or shall not be thereby diminished or lightened (tendering any such coin is punishable on summary conviction).

FOREIGN COIN.—Any person with intent to defraud tendering or uttering as the King's

current gold or silver coin any coin not being such, or any medal or metal resembling current coin in size, figure, and colour, and being of less value than the current coin; counterfeiting foreign gold or silver coin or importing the same.

Counterfeiting any coin not being the King's current copper or other metallic coin of less value than, but resembling the silver coin of any country. A person is also liable to summary conviction for being in possession of more than five pieces of counterfeit foreign gold or silver coin or copper or other metallic coin.

COPPER COIN.—Falsely making or counterfeiting any copper coin, or knowingly mending or making, buying or selling, and having in his possession, any instrument, tool or engine, adapted and intended for the counterfeiting copper coin, or buying, selling, receiving or putting off any false or counterfeit copper coin at a lower rate of value than the same imports.

Knowingly tendering or uttering or putting off any false or counterfeit copper coin, or having in his custody or possession knowingly three or more pieces of counterfeit copper coin.

COINING TOOLS.—Making, mending, buying, selling, or having in his possession any coining tool or instrument adapted and intended for counterfeiting the King's current gold or silver coin or any foreign coin.

Knowingly conveying out of the Mint any coining tool or instrument.

Any person may apprehend any person found committing an offence against this Act and deliver him to a constable, and authority is given to a justice, if satisfied on the oath of a credible witness that there is reasonable cause to suspect a contravention of the Act, to grant a search warrant.

An offence under the Act will be complete although a coin is not completed.

As has been pointed out the Director of Public Prosecutions should be communicated with in respect of any charge under the Act, or the Counterfeit Medal Act, 1883, which makes it an offence for any person without due authority to make or have in his possession for sale, or offers for sale, or sells any medal, cast, coin, or other like thing, made wholly or partially of metal or any metallic combination, and resembling in size, &c., any current gold or silver coin, or having thereon any device resembling any device on any current gold or silver coin, or being so formed that it can by gilding, silvering, or other process, be so dealt with as to resemble any of the King's current gold or silver coin.

Conspiracy.—If two or more persons conspire to do an unlawful act or to do a lawful act by unlawful means, this is a misdemeanour.

Criminal Appeal Act, 1907.—This Act establishes a Court of Criminal Appeal composed of the Lord Chief Justice of England and the Judges of the King's Bench Division of the High Court. A person convicted on indictment may appeal under the Act to the Court of Criminal Appeal subject to certain conditions.

Debtors Act, 1869.—Section 13 makes it an offence for a person to obtain credit by means of false pretences or fraud not amounting to false pretences in incurring a debt or liability. The other offences are not of importance to police officers, but it very often happens that a person has run up a bill under circumstances not amounting to false pretences although such person had not and knew he would not have the means to pay. Section 13 covers this class of case.

Deserters and Military Offenders.—Under section 154 of the Army Act, 1881, it is lawful for any constable to apprehend and bring before a magistrate any person whom he may reasonably suspect to be a deserter from the Army or Reserve Forces, or an absentee without leave.

A constable should, however, before arresting, ascertain whether notice of the desertion appears in the "Police Gazette."

Section 6 of the Army Act, 1884, enables a justice to issue warrant for apprehension of a deserter.

Rewards are given for the apprehension of deserters. A form of descriptive return containing a recommendation for a reward of not more than £1, and in general not more than 10s., signed by a justice, is to be sent to the military authorities *at the time the deserter is committed*. Orders will be given by the War Department for the repayment of the necessary expenses incurred in the apprehension and conveyance of the deserter.

NOTE.—*In apprehending soldiers for civil offences in cases where they have to be taken from their barracks or when on duty, notice should be first given to the commanding officer.*

Where an absentee or deserter from the Special Reserves has been arrested, notice should be sent to the adjutant of the regiment of the time and place at which the man is to be brought before the magistrates for trial.

NAVAL DESERTERS.—The procedure is governed by section 9 of the Naval Deserters Act, 1847, and section 50 of the Naval Discipline Act, 1866, which also applies to marines. Where the warrant to arrest has been issued by the captain of the ship to which the deserter belongs, the deserter need not be taken before a justice, otherwise the deserter must be taken before a justice who will either remand him for enquiry or order him to be taken to his ship, where a reward will be paid.

Any person falsely representing himself to be a deserter or absentee without leave from the Army or Navy is liable, on conviction, to three months' imprisonment..

Disorderly Houses.—Under the Disorderly Houses Act, 1757, any person keeping a bawdy house, gaming house, or other disorderly house, is guilty of a misdemeanour. Any person acting as master or mistress of the house will be deemed the owner.

Section 5 of the Act provides that if any two inhabitant ratepayers give notice in writing to a constable of any person keeping any such house, the constable shall forthwith go with such inhabitants to a justice of the peace, and on their making oath before such justice that they do believe the contents of such notice to be true, and on entering into a recognizance to give or produce material evidence, the constable shall enter into a recognizance to prosecute. By section 6 of the Act it is enacted that when such recognizance to prosecute is entered into the justice may issue a warrant against the accused.

In the ordinary case of bawdy house or brothel it is much simpler for a police constable after watching and satisfying himself that a house is used by people of opposite sexes for the purpose of illicit intercourse to apply for a warrant which can be executed at a time when

some of such persons are on the premises and upon the arrest of the keeper, &c., of the house, proceedings by way of summons can be taken under the Criminal Law Amendment Acts against all parties liable to punishment.

Dogs.—Dog stealing is not felony at common law, but is punishable under the Larceny Act, 1861.

INJURIES TO DOGS.—Under the Malicious Damage Act, 1861, the malicious killing, maiming, or wounding of any dog is punishable by imprisonment or fine of £20.

INJURIES TO CATTLE BY DOGS.—This matter was formerly dealt with by the Dogs Act, 1865, which is now repealed by the

Dogs Act, 1906.

Under section 1 of this Act the owner of a dog is liable in damages for injury done to any cattle (which includes horses, mules, asses, sheep and goats) “and it shall not be necessary to show a previous mischievous propensity in the dog or the owner’s knowledge of such previous propensity, or that the injury was attributable to neglect on the part of the owner.” Damages not exceeding £5 are recoverable as a civil debt before justices.

OWNERSHIP.—The occupier of any house or premises where the dog is kept or permitted to live or remain shall be presumed to be the owner of the dog.

(Where a dog has been proved to have injured cattle or chased sheep it may be dealt with as "a dangerous dog" under section 2 of the Dogs Act, 1871.)

Section 2 of this Act empowers Board of Agriculture and Fisheries to make Orders regulating the muzzling of dogs, the keeping of dogs under control, seizure, detention and disposal (including slaughter) of stray dogs and of dogs not muzzled, and of dogs not under control, and the recovery of expenses from owners, for regulating the wearing by dogs in highways and places of public resort of a collar inscribed with the name and address of the owner on a plate or badge attached; and with a view of preventing the worrying of cattle and for preventing dogs from straying during the period between sunset and sunrise.

Power is given to police under section 3 to seize and detain "stray" dogs; notice of seizure to be sent if possible to owner of dog. Dogs so seized may be destroyed if not claimed within seven clear days after notice served.

Section 4 requires that persons taking possession of a stray dog shall forthwith either return the dog to its owner or give written notice thereof to police.

BURYING OF CARCASSES.—It is an offence under section 6 to knowingly permit the carcass of any cattle to remain unburied in any field, &c., to which dogs can gain access.

SAVAGE OR DANGEROUS DOGS.—Under the Dogs Act, 1871, any Court of Summary Jurisdiction may take cognizance of a complaint that a dog is dangerous and not kept under proper control, and may order that the dog be kept under proper control or destroyed.

MAD DOGS.—If danger from mad dogs be apprehended the local authority may place restrictions on dogs being at large within their jurisdiction.

RABIES.—The Rabies Order, 1897, applies the provisions of the Diseases of Animals Act, 1894 (sections 19, 20, 43 and 44, and all other sections containing provisions as to offences, procedure, &c.) to dogs.

LICENCES.—Under the Dog Licences Act, 1867, no person may keep a dog (above the age of six months) without having a licence, or keep a greater number of dogs than he is licensed to keep. The Customs and Inland Revenue Act, 1878, empowers police to take proceedings against such persons. It is an offence to refuse to produce a dog licence to a constable.

Dog licences expire on the 31st December in each year, and have to be renewed in the month of January following.

EXEMPTIONS.—Certain dogs are exempted from taxation. Dogs used by blind persons; hounds belonging to masters of hounds and under twelve months old, and never entered

in or used with any pack of hounds; dogs (not more than two) kept for tending sheep or cattle on a farm or by a shepherd may be exempted on the proper declaration being made. Sheep-farmers may obtain exemptions for up to eight dogs upon a proper declaration being made and according to the number of sheep farmed, the number being four dogs to 1,000 sheep kept, and one additional for every 500 above 1,000.

Explosives.—The Explosives Act, 1875, amends the law regarding making, storing, and carrying gunpowder or other explosives. Explosive means gunpowder, dynamite, nitro-glycerine, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance used or manufactured to produce a practical effect by explosion or a pyrotechnic effect and includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

Licences have to be renewed annually, and are not transferable. As the Act is carried out by inspectors specially appointed it is unnecessary to refer to it at any length.

The offences with which constables may meet are :—

(a.) Selling gunpowder without being registered ;

(b.) Selling gunpowder to a child apparently under thirteen ;

(c.) Letting off fireworks in streets or public places ;

(d.) Hawking, &c., gunpowder in highways or public places.

POWER OF ENTRY.—Section 73 provides, amongst other things, that a police superintendent may in cases of urgency or where it appears that delay in obtaining a justice's warrant would endanger life, by a written order *authorise any constable* to enter premises, &c., to search for and take samples of explosives. Penalty for failing to admit, £50, and forfeiture of explosives and ingredients.

OFFENCES.—By section 78 any person found committing an offence against the Act which tends to explosion or fire in or about any factory, railway, canal, magazine, boat, wharf, carriage, &c., may be *apprehended* by a constable without a warrant.

Under the Explosive Substances Act, 1883, it is a felony to unlawfully and maliciously cause an explosion likely to injure life or property. It is also an offence to do any act with intent to cause an explosion likely to endanger life or cause serious injury to property ; or to make, &c., any explosive with the like intent ; or to make or knowingly have in possession explosive substance under suspicious circumstances.

Extradition.—Extradition treaties are made under the Extradition Acts, 1870, 1873, 1895.

Treaties have been made with many foreign countries, including :—

France,	Italy,	Switzerland,
Germany,	Belgium,	Hayti,
Austria,	Sweden and	United States,
Hungary,	Norway,	Luxemburg,
Brazil,	Denmark,	Russia,
Spain,	The Netherlands,	Mexico.

And the surrender of criminals can be obtained under the Fugitive Offenders Act, 1881, from a number of other countries in which British consular jurisdiction exists.

On the apprehension of any person under the Extradition Acts and the treaty with any country, he has to be brought before a magistrate of the Bow Street Police Court, London, even though the warrant may have been issued by a justice of the peace in some other part of the United Kingdom.

NOTE.—All applications for arrest of offenders fled, *must be first made* to the Secretary of State, giving all the requisite details so that the Foreign Office may communicate with the country concerned.

Fugitive Offenders Act, 1881.—This Act deals with cases in which a person accused of an offence in one part of His Majesty's dominions is found in another part.

The subject is full of technical details and so rarely affects ordinary police officers that it need not be more fully dealt with here.

Factories and Workshops.—The Factory and Workshop Act, 1901, consolidates the law relating to factories and workshops. The Act is divided into ten parts. Inspectors are appointed by Secretary of State, and an inspector can enter and inspect factories and workshops, and, as provided by section 119, may take with him a constable if he has reasonable cause to apprehend serious obstruction in the execution of his duty. Apart from this the provisions are not of interest to constables.

SHOPS.—The Shops Acts, 1912 and 1913, repealed the Shops Regulation Acts, 1892 to 1911, and made fuller provision with regard to assistants in shops, closing orders, &c., particularly with reference to hours of employment and weekly half-holiday.

The enforcement of the provisions of the Acts and of closing orders made thereunder fall upon local authorities, who are to appoint inspectors, who have in relation to shops the same powers as an inspector under the Factory and Workshop Act has with regard to factories and workshops.

The various provisions are too numerous to set out amply in this book and any officer appointed as an inspector should make himself acquainted with the Acts and obtain any memoranda issued by the Home Office.

False Alarm.—Under the False Alarms of Fire Act, 1895, it is an offence for any person

knowingly giving or causing to be given a false alarm of fire to the fire brigade of any town or parish outside the Metropolitan area, or to any officer thereof, whether by means of a street fire alarm, statement, message or otherwise.

False Pretences.—Under the Larceny Act, 1861, whosoever shall by any false pretences obtain from any other person any chattel, money, or valuable security, with intent to defraud, is guilty of a misdemeanour, as also is anyone who by means of false pretences, fraudulently causes or induces a person to execute, make, endorse, or destroy the whole or any part of any valuable security, to write, impress, or affix his name, or the name of any other person, &c., or the seal of any company, &c., in order that the same may be used as a valuable security.

Obtaining credit by means of false pretences under the Debtors Act, 1869, has already been referred to.

The offence of false pretences can be dealt with by the justices under certain circumstances, and a person charged with false pretences may be convicted of larceny. When the Court of Summary Jurisdiction proposes to deal summarily in pursuance of the Summary Jurisdiction Act, 1899, with a charge of obtaining any chattel, &c., by means of false pretences the Court shall after the charge has

been reduced to writing and read to the person charged, state in effect that a false pretence means a false representation by words, writing, or conduct, that some fact exists or existed, and that a promise as to future conduct not intended to be kept is not by itself a false pretence, and may add any such explanation as the Court may deem suitable to the circumstances.

Any person found committing an offence against section 88 may be arrested without warrant, but not after an interval of several hours.

In addition to the statutory offence, it is an indictable misdemeanour at common law to cheat persons by false weights and measures and tokens under circumstances in which such persons cannot by ordinary care guard against the fraud.

First Offenders Act, 1887.—This Act was repealed by the Probation of Offenders Act, 1907, to which full reference is made under the heading Probation.

Food and Drugs, Sale of.—This subject is now dealt with under Acts passed in 1875, 1879, 1887, 1899, 1907; and the Milk and Dairies Act, 1914, which will come into operation on the 1st January, 1915, or such later date not being later than the 1st October, 1915, as the Local Government Board may appoint, contains certain provisions of im-

portance with regard to milk taken in course of transit.

In a very large number of places special officers are appointed as inspectors of nuisances to carry out the provisions of the Acts; in other places the work is carried out by inspectors of nuisances, whilst in many places the work is still done by police officers duly appointed, frequently the superintendent of a division.

It is therefore unnecessary to deal at length with the provisions of the Acts, but as the inspector or other officer may procure samples by deputy it is important to point out that there are formalities to be complied with when purchasing or taking samples.

As, for example, under section 14 of the Act of 1875, when the purchase of the article has been completed, such as a pint of milk bought from a man in the street, the officer should notify to the seller that the article was purchased for the purpose of submitting it to the public analyst for analysis and offer to divide it into three parts, and, if accepted, a careful division should be made, and each part marked and sealed or fastened up in such way as its nature will permit, and one part shall be delivered to the seller, one kept, and the third handed to the public analyst, whose certificate will be sufficient evidence of the facts contained therein unless the defendant shall require the analyst to be called as a witness.

Another point worthy of attention is that in some cases such as spirits, notices are exhibited in licensed premises to the effect that no particular strength is guaranteed.

Care should be taken to see whether any such notice is exhibited.

The offences provided for in the several statutes are numerous, and amongst them are those of refusing to sell, and obstructing officers in the execution of their duty.

Forgery.—The Forgery Act, 1913, consolidated and amended the statute law with regard to forgery, which is defined, for the purposes of the Act, to be the making of a false document in order that it may be used as genuine, and in the case of seals and dies mentioned in the Act, the counterfeiting of a seal or die, and forgery with intent to defraud or deceive, as the case may be, is punishable as in the Act provided. The offences provided for in the statute are too numerous to set out here.

In addition to offences under the statute there is Forgery at Common Law, which Blackstone defined as the fraudulent making or alteration of a writing to the prejudice of another man's right.

In all cases of alleged forgery unless special circumstances make an arrest without warrant advisable, a warrant should be obtained.

Game.—Under the Game Act, 1831, game includes, hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards, but not rabbits. Any person killing or taking any game or using any dog, gun, net, or other engine or instrument for the purpose of searching for, killing, or taking game, without a game licence, is liable to a penalty under the above Act, and a further penalty under the Game Licences Act, 1860, recoverable as an excise penalty, and the 1860 Act also prohibits the killing, &c., of woodcocks, snipes, quails, landrails, conies, or deer, with the exception of :—

(1) Taking woodcocks or snipes with nets or springs ;

(2) Taking or destroying conies by the proprietor of any warren or enclosed ground, or by tenant, &c. ;

(3) Pursuing and killing of hares by coursing with greyhounds, or by hunting with beagles or other hounds ;

(4) Pursuing and killing deer by hunting with hounds ;

(5) Taking and killing deer in inclosed lands by the owner or occupier, or by his direction or permission.

It is an offence to kill, &c., game on Sunday or Christmas Day.

The close season for certain birds is as follows :—

Partridge, between February 1st and September 1st; pheasant, between February 1st and October 1st; black game, between December 10th and August 20th, except in Somerset, Devon, New Forest, Southampton, when the period is between December 10th and September 1st; grouse, between December 10th and August 12th; bustard, between March 1st and September 1st.

During the close season it is an offence to kill, &c., the above birds, or to sell, &c., any hare during the months of March, April, May, June or July.

Police are sometimes required to assist owners and keepers in cases where a breach of the peace with poachers is anticipated, and they frequently give evidence as witnesses in cases of prosecutions under the Game Acts, but police should not be employed as gamekeepers or watchers of game.

GAME TRESPASS.—Under the Game Act, 1831, s. 30, trespassers in pursuit of game not giving their real name or place of abode, or wilfully continuing or returning on the land when required to quit and give their name, surname, and place of abode by the person having the right to the game, or by the occupier of the land, or any gamekeeper or servant of either of them or other person authorised, may be *apprehended* by the party so requiring, or any person acting by his order

or in his aid, and conveyed within twelve *hours* before a justice, but if not so conveyed within that time the party to be discharged and proceeded against by summons or warrant.

USING VIOLENCE.—Under section 31 persons (to number of five or more) who, being armed with guns, are found trespassing in search of game are, if they offer violence to any person or persons described in section 31, liable to a penalty, and the game in the possession of any person so found may be seized by occupier or person acting on his behalf.

The Night Poaching Acts, 1828 and 1844, make it an offence for any person to unlawfully take game or *rabbits* between one hour after sunset and one hour before sunrise in any land, open or enclosed, public road, highway, path, or the sides or gates thereof, or being on any land with gun, net, or engine to take or destroy game.

Offenders offering violence with gun, bludgeon, club, or other offensive weapon to owners or occupiers, their keepers or servants, are guilty of misdemeanour; as are persons to the number of three or more who, being armed with offensive weapons, are by night unlawfully on any land to take or destroy game or *rabbits*, and power of arrest is given to owners, occupiers, game keepers, &c.

The Ground Game Act, 1880, gives every occupier of land a right to kill ground game, viz., hares and rabbits.

The Ground Game (Amendment) Act, 1906, relates to the taking and killing of game on "moorlands."

Poaching Prevention Act, 1862.—Under this Act police are required to deal with certain offences committed in highways, streets, or public places.

The Act enacts that it shall be lawful for any constable or peace officer in any county, borough, or place in Great Britain and Ireland in any highway, street, or public place, to search any person whom he may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of game, or any person aiding or abetting such person, and having in his possession any game unlawfully obtained, or any gun, part of gun, or nets or engines used for the killing or taking of game, and also to stop and search any cart or other conveyance in or upon which such constable or peace officer shall have good cause to suspect that any such game or any such article or thing is being carried by any such person, and should there be found any game or any such article or thing as aforesaid upon such person, cart, or other conveyance, to seize and detain such game, article, or thing, and to apply for a summons citing such persons to appear before

a Court, and on conviction such persons shall be liable to a penalty of not exceeding £5, and shall forfeit such game, guns, parts of guns, nets, and engines, the same to be sold or destroyed and the proceeds of the sale to be paid to the county or borough treasurer.

The Act does not empower a constable to take the persons into custody, but the game, nets, or engines should be seized. A constable has no authority under the Act to seize dogs or ferrets.

GAME.—The word “game” under this Act includes hares, pheasants, partridges, eggs of pheasants and partridges, woodcocks, snipes, rabbits, grouse, black or moor game, and eggs of grouse, black or moor game.

Gaming.—Any persons keeping, &c., a common gaming house and every banker or person acting in conducting the business thereof, is liable to heavy penalties under the Gaming Act, 1845, and the Gaming Houses Act, 1854, and a justice is empowered to issue a special warrant authorising a constable to enter, if necessary by force, and search for all instruments of unlawful gaming and arrest persons found there.

Persons resorting and playing are liable under the Suppression of Unlawful Games Act, 1541, to be bound over, apart from any penalty under the 1845 Act.

Cheating at play is also punishable under the Act of 1845.

It should be observed that when persons are arrested on the premises they are entitled to insist upon a summons being issued both under the Gaming Acts and also under the Betting Acts.

Gun Licence Act, 1870.—The term “gun” includes a firearm of any description, and an air-gun, or any kind of gun from which any shot, bullet, or other missile can be discharged. This definition will include a pocket pistol.

Every person who uses or carries a gun *elsewhere than in a dwelling-house, or the curtilage thereof*, without having in force a licence duly granted under the Act, is liable to a penalty. (Under the Customs and Inland Revenue Act, 1883, licences expire on July 31st.)

EXEMPTIONS.—Certain persons are exempted from the penalty, viz. :—Persons in military, naval, or volunteer service, or in the police, carrying a gun in the performance of duty, or when employed in target practice; holder of game licence; servants or others carrying guns for masters who have licences; occupiers of land using or carrying a gun for the protection of their crops (scaring birds or killing vermin, &c.), also servants authorised by licensed occupier; gunsmiths and their servants; also carriers.

POLICE PROCEDURE.—When a constable meets a person carrying a gun who he has reason to suspect has not a gun licence the constable can demand the production of the licence, and unless the person produces such licence or a game licence, the constable should require of him his name and address. If the person declares the same the constable should report the matter through his superintendent to the local taxation department for his district, the collection of certain duties having been transferred by the Finance Act, 1908, to borough and county councils. Should such person *refuse* his name and address, the constable may arrest him.

Hawkers Act, 1888.—This Act consolidated the law relating to hawkers. Section 2 defines a hawker to be any person *who travels with horse or other beast* drawing or bearing burden, and goes from place to place or to other men's houses carrying for sale or exposing for sale any goods, wares, or merchandise, or exposing samples of any goods, &c., to be afterwards delivered, and includes any person who travels to any place in which he does not usually reside or carry on business and there sells or exposes for sale any goods, &c., in or at any house, shop, room, booth, stall, or other place whatever hired or used by him for that purpose.

EXEMPTIONS.—Certain persons are exempted—commercial travellers, makers of goods,

sellers of fish, fruit, victuals, coal, sellers of goods in public mart, market or fair, legally established.

A hawker must keep his name and the words "licensed hawker" visibly and legibly written, painted, or printed on every box and package, vehicle, room, shop, handbill and advertisement.

Licences (£2) are obtained from the Excise, and expire on 31st March.

A police officer (amongst other persons) can demand production of licence and arrest an unlicensed hawker.

Highways.—Highways include all carriage or cart roads, bridle-ways, footways, bridges, causeways, churchways, and pavements. The police are required to enforce certain provisions of the Acts, especially those relating to nuisances and obstructions. When a highway is in a dangerous state, notice should be given to the surveyor.

Surveyors of roads are liable to penalties for neglecting to fence off any pit or hole, or for leaving heaps of stones, &c., on highways at night.

The following is a list of offences under the Highway Acts, 1835 and 1864, most commonly met with by police constables :—

1835 Act, section 72.—Wilfully (that is purposely) riding on footpath or causeway by the side of any road, wilfully leading or driving, &c., animals or carriages of

any description thereon. (This will include bicycles, &c.)

Tethering horses or other animals or cattle on highway.

Damaging highway or hedges, posts, rails, walls or fences thereof.

Wilfully obstructing the passage of any footway.

Wilfully destroying or injuring the surface of any highway.

Wilfully or wantonly pulling down, defacing or destroying any posts, blocks, or stones fixed by the surveyor.

Breaking, damaging, throwing down stones, bricks or otherwise injuring or defacing same.

Playing football or other game on highways to the annoyance of passengers.

Hawkers, &c., pitching a tent, &c., on the highway.

Making a fire or wantonly firing gun or pistol or letting off fireworks within fifty feet of centre of the highway to the injury thereof or to the injury, interruption or personal damage of passengers.

Laying timber, stone, &c., upon the highway to the injury, &c.

Suffering filth or other offensive matter to run or flow into highway from adjoining buildings or land.

Wilfully obstructing the free passage of highway.

Section 76.—Owner of waggon or any such carriage using or allowing same to be used without having true name, trade, and address properly painted on off-side of waggon or shafts.

Section 77.—Person acting as driver of more than two carts. (A driver may act as such for two carts if they are not drawn by more than one horse each and the horse of hinder cart be attached to back of foremost cart by a rein not more than four feet long.)

Section 78. DRIVERS OF WAGGONS, &c.—Riding on carriage or horse without having reins or some person to guide the horse.

By negligence or misbehaviour causing hurt or damage to any person, horse, cattle, or goods conveyed on a carriage or quitting highway to go on other side of the hedge or fence enclosing it.

Negligently or wilfully being at such a distance from carriage or in such situation whilst passing on highway as not to have proper control of animals drawing same.

Leaving cart or carriage so as to obstruct passage of highway.

Driving waggon without owner's name painted thereon, or refusing to give full name of owner.

Failing to keep on left or near side on meeting any other waggon, cart or carriage.

Wilfully preventing any other person from passing him, or any waggon, &c., under his care.

By negligence or misbehaviour preventing, hindering, or interrupting free passage on any highway of any person, waggon, or beast of burden.

Failing to keep carriage, &c., on the near side of road to allow passing.

Riding or driving furiously so as to endanger life or limb of passengers.

1864 Act, Section 25.—Owner of horse, mare, gelding, bull or other cattle found straying on or lying about any highway or across any part or by the side thereof except such parts as pass over any common or waste or uninclosed ground.

OFFENDERS.—Persons committing offences against the Highway Acts should be summoned when their names can be obtained. Persons *refusing* to give their name and address may be *apprehended*, without warrant, by any surveyor or person acting under his authority, or *any other person* witnessing the commission of the offence.

LOCOMOTIVES.—The use of heavy locomotives on roads is regulated by the Locomotives Acts, 1861, 1865, 1898, and the Highways and Locomotives (Amendment) Act, 1878. Byelaws made under the Act of 1898 are in force in many places. The Acts contain many provisions of which the following are the principal.

SPEED.—Not to exceed four miles an hour on a highway, or two miles per hour through any city, town or village.

Licences must be procured for all locomotives except locomotives not used for haulage purposes, steam rollers belonging to a road authority, and agricultural locomotives. The licences will be applied for in the county in which a locomotive is generally used and a daily fee of 2s. 6d. is payable to the council of any other place in which the locomotive is used.

Two persons at least must be employed to drive or attend to the locomotive; when not a steam roller a third person shall be employed to give assistance to persons with horses or carriages meeting or overtaking the locomotive.

Locomotives must not, without consent of the council, draw more than three loaded waggons (exclusive of the waggon solely used for carrying water for the locomotive). If more than three waggons are drawn a further person must be employed to look after the waggons, and if the fires are alight or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on the highway, even when stationary.

Agricultural locomotives and steam rollers must be duly registered.

A licence or registration plate must be affixed to the locomotive as also must the weight of the locomotive, the name and address of the owner and the weight of every waggon drawn by a locomotive must be affixed to the waggon.

A locomotive must be constructed on the principle of consuming its own smoke.

A locomotive must be stopped instantly when required.

A locomotive may not exceed nine feet in width or fourteen tons in weight except by consent of the council, which may be given under such conditions as may seem desirable. (Provision is also made with regard to wheels, tyres, &c.).

Locomotives may not pass each other on a bridge.

The person in charge must provide efficient lights, one at each side of the front and also an efficient red light at rear of locomotive or waggons drawn by it, and lights must be fitted with shutter or contrivance which will enable the light to be screened temporarily.

Homicide is the killing of a human being by a human being, and the law presumes every homicide to be murder until the contrary appears.

Justifiable homicide is where the proper officer executes a criminal in conformity with his sentence; where an officer in the exercise of his duty kills a person who resists or prevents him from executing it or where the homicide is committed in the prevention of a forcible and atrocious crime.

Excusable homicide is where a man kills another by accident or misadventure, or in self-defence, or in defence of his wife, child, &c.

Murder is defined as follows :—

Where a person of sound memory and discretion unlawfully killeth any reasonable creature in being and under the King's peace with malice aforethought either express or implied.

Manslaughter is the unlawful and felonious killing of another, without any malice either express or implied.

As the carrying on of prosecutions for murder are included amongst the duties of the Director of Public Prosecutions, the chief officer of every police district has to report such cases to the Director in compliance with regulations made under the Prosecution of Offences Acts.

Incest (Punishment of) Act, 1908.—Under this Act any male person who has or attempts to have carnal knowledge of a female who is to his knowledge his grand-daughter, daughter, sister (including half-sister), or mother is guilty of misdemeanour.

Upon conviction of a male person over twenty-one the Court may deprive him of authority over or guardianship of the female.

Any female, over sixteen, who with consent permits carnal knowledge of her by her grandfather, father, brother, half-brother or son, knowing them to be such is guilty of misdemeanour.

Offences are not triable at quarter sessions. Proceedings are to be held *in camera*, and the sanction of the Attorney-General is required,

unless the prosecution is undertaken by the Director of Public Prosecutions to whom before any proceedings are taken a full report of the matter should be made.

Indecent Advertisements Act, 1889.—This Act declares indecent any advertisement relating to syphilis, gonorrhœa, nervous debility or other complaint arising from or relating to sexual intercourse if affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree or other thing so as to be visible to a person in or passing along any street, &c., or if affixed or inscribed on any public urinal or delivered or attempted to be delivered to any person being on or passing along any street, highway, or footpath, and a constable may arrest without warrant a person found committing the offence of affixing or inscribing or delivering or attempting to deliver or exhibit to any inhabitant or any passenger, or throwing down in any area, or exhibiting to public view in the window of any house or shop any picture or printed or written matter of an indecent or obscene nature, or sending others to do any of the acts above referred to.

Under the Obscene Publications Act, 1857, obscene books, papers, writings, prints, pictures, drawings, or other representations kept in any house, shop, room or other place may be seized under a special warrant granted

by a justice and brought before a justice or justices who shall issue a summons to the occupier of the premises to show cause why an order should not be made for the destruction of the articles so seized, and under the Vagrancy Acts, 1824 and 1838, every person wilfully exposing to view in any street, road, highway, public place, or in a shop, or building, situate in a street, &c., any obscene print, picture, or other indecent exhibition, is liable to conviction as a rogue and vagabond.

Larceny.—The Larceny Act, 1861, consolidated and amended the law relating to larceny and similar offences and repealed all statutes dealing with such offences. Larceny at common law is the wrongful taking and carrying away of the personal goods of anyone from his possession with a felonious intent to convert them to the use of the thief without the owner's consent.

In addition to the Act of 1861, there are three other Larceny Acts, namely, 1868, 1896, and 1901, the last-named dealing with offences of agents, factors, &c.

LARCENY BY BAILEE.—Persons to whom goods are entrusted for a specific purpose—conveyance, repair, &c., are considered “bailees” of such goods; if the bailee converts such goods to his own use, he is guilty of larceny. (Section 3.)

LARCENY BY FINDING.—If a person find an article which has been lost by the owner and knows who the owner is or where he can be found, and notwithstanding this converts the article to his own use, he is guilty of larceny.

LARCENY BY PAWNING.—The question in this case depends largely upon whether the pawner intended to or had reasonable expectation of being able to redeem the article.

MISDELIVERY.—To wrongfully appropriate goods given or delivered by mistake may be larceny.

LARCENY BY SERVANT.—A servant giving away his master's goods without authority, commits larceny.

LARCENY BY TRICK.—Where a person by trick or fraudulent expedient obtains goods with intention of stealing, the owner never intending to part with the ownership, a conversion of them will be larceny ; but where *the property and ownership* are parted with as well as possession through trick or fraud, the offence, if within the criminal law, will be that of obtaining goods by false pretences. Amongst other larcenies by trick are obtaining money by "ring dropping," "ringing the changes," "mock auction," &c.

The following are offences against the Act :—

Stealing any horse, mare, gelding, colt, or filly, or any bull, cow, ox, heifer, or calf, or any

ram, ewe, sheep, or lamb, or killing any of such animals with intent to steal the carcass, skin, or any part of such animal. (Sections 10 and 11.)

Section 12 deals with stealing deer in an uninclosed part of a forest.

Section 13 deals with stealing deer in any enclosed ground.

Section 14 deals with suspected persons found in possession of venison, &c., and not satisfactorily accounting for it.

Section 15 deals with setting up engines for taking deer, or pulling down park fences.

Section 16 empowers deer keepers, &c., to seize guns, &c., of offenders who, on demand, fail to deliver up the same.

Section 17 deals with killing, &c., hares or rabbits in a warren in the night time, and the like in the day time.

Section 18 deals with dog stealing, and section 19 with the possession of stolen dogs.

Section 20 deals with corruptly taking money to restore stolen dogs.

Section 21 deals with stealing beasts or birds ordinarily kept in confinement, and not the subject of larceny.

Section 22 deals with persons found in possession of stolen beasts, &c.

Section 23 deals with killing of house doves and pigeons.

Section 24 deals with taking fish in any water situate on land belonging to a dwelling house

or in a private fishery elsewhere, but the section does not apply to an angler fishing between the last hour before sunrise and the expiration of the first hour after sunset if his tackle has been seized. (Section 25.)

Section 26 deals with stealing or dredging for oysters in oyster fisheries.

Sections 27 to 30 deal with larceny of written instruments.

Section 31 deals with larceny of metal, glass, wood, &c., fixed to a building or land.

Section 32 deals with stealing, &c., trees, &c., in pleasure grounds, of the value of £1, or elsewhere of the value of £5.

Section 33 deals with stealing, &c., trees, shrubs, &c., wheresoever growing, and of any value above 1s.

Section 34 deals with stealing, &c., any live or dead fence, wooden fence, stile or gate.

Section 35 deals with suspected persons, in possession of wood, &c., and not satisfactorily accounting for such possession.

Section 36 deals with stealing, &c., any fruit or vegetable production in a garden, &c.

Section 37 deals with stealing such articles not growing in gardens, &c.

Sections 38 and 39 deal with stealing ore from mines, &c., and removing ore with intent to defraud.

Section 40 deals with robbery or stealing from the person.

Section 42 deals with assault with intent to rob.

Section 43 deals with robbery or assault by a person armed, or by two or more, or robbery and wounding.

BLACKMAIL.

Section 44 deals with sending letters demanding money, &c., demanding of any person with menaces any property, chattel, money, valuable security or other thing; accusing or threatening to accuse any person of any crime.

Section 46 deals with sending, &c., letters accusing or threatening to accuse of crime with intent to extort money, &c., and section 47 deals with accusing or threatening to accuse any person of crime with the like intent.

Section 48 deals with inducing a person by personal violence or restraint, or by threats to execute deeds, &c., with intent to defraud.

It is important to notice that under section 35 of the Criminal Justice Administration Act, 1914, ss. 46, 47 and 48 apply to cases where the person who is accused, or whom it is proposed to accuse, is dead.

Sections 50 and 57 deal with breaking and entering a church or other place of worship and committing any felony therein, or being in any church, &c., to commit any felony therein and breaking out of the same; or breaking into any church, &c., with intent to commit a felony therein.

BURGLARY.

Section 51 deals with burglary, that is, the breaking and entering a dwelling house between 9 p.m. and 6 a.m. with intent to commit a felony therein.

To succeed on this charge the following proof must be given, viz. :—

That there was a breaking, as for example, unlocking the outer door, opening a window, picking a lock, taking the glass out of a window, obtaining entrance by means of a threat or trick or by collusion with a servant. There must also be an entry of some sort; the putting in of the hand, or any part of the body is sufficient.

The premises must be a dwelling house, that is a permanent building in which the tenant, or some person habitually sleeps. It must be done in the "night time," *i.e.*, between 9 p.m. and 6 a.m.; if done at any other time the offence will be "housebreaking."

There must be an intent to commit a felony.

Constables on beat duty should always be on the alert to detect lights burning at unusual hours, and doors and windows forced by an intruder. They should also stop and interrogate any person whom there is good ground to suspect of having committed a burglary, and if he cannot give a satisfactory explanation of his conduct, he may be arrested without a warrant. Special attention should

be given to premises where valuable property is kept, such as the shops of jewellers, pawn-brokers, &c., and suspicious characters in the immediate vicinity of such premises should be watched.

Section 51 also deals with burglary by breaking out.

Section 54 deals with entering a dwelling house in the night time with intent to commit a felony.

Section 55 deals with breaking and entering any building within the curtilage of any dwelling house and occupied therewith but not being part thereof, and committing any felony therein; or, being in such building, committing a felony therein and breaking out of the same.

Section 56 deals with breaking and entering any dwelling house, school house, shop, warehouse or counting house, and committing any felony therein; or, being in such building, committing any felony therein and breaking out of the same.

Section 58 deals with being armed with intent to break and enter any house in the night or being in possession of house-breaking implements, or being found by night having face blackened, or otherwise disguised, with intent to commit a felony, or being found by night in any dwelling house or other building whatsoever with intent to commit a felony therein.

Section 60 deals with stealing in any dwelling house any money, &c., to the value of £5 or more.

Section 61 deals with stealing in dwelling house with menaces.

Section 62 deals with stealing goods to the value of 10s. in process of manufacture.

Sections 63 to 66 deal with larceny from ships, wharves, &c.

Sections 67 to 73 deal with larceny or embezzlement by clerks, servants, or persons in the public service.

Section 74 deals with larceny by tenants or lodgers.

Sections 75 and 76 are repealed by the Larceny Act, 1901.

Section 77 deals with larceny by person acting under power of attorney, and section 78 deals with frauds by factors.

Section 80 deals with frauds by trustees, disposing property, &c.

Sections 81 to 84 deal with fraudulent appropriation of property by directors, &c., of any corporate body or public company; keeping fraudulent accounts; wilfully destroying books and publishing fraudulent statements.

Sections 88 to 90 relate to obtaining money, &c., by false pretences, which has already been referred to.

Sections 91 to 97 deal with receiving stolen goods.

Section 100 deals with restitution and recovery of stolen property.

Section 101 deals with corruptly taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

Section 102 provides that any person who advertises for the return of property lost or stolen, and uses words purporting that no questions will be asked or enquiries made renders himself liable to a penalty.

Under the Larceny Act, 1901, it is a misdemeanour for any person :—

(a.) either solely or jointly entrusted with any property in order that he may apply, pay or deliver for any purpose, or to any person the property or the proceeds thereof; or

(b.) having received any property for or on account of any other person,

to fraudulently convert it to his own or anyone else's use or benefit, but this provision does not apply to trustees of a trust created by deed or will or mortgagees of any kind of property.

ARREST.—Section 103 authorises the *arrest*, without warrant, of anyone found committing offences against the Act, *except* only the offence of *angling in the daytime*. The section also authorises the arrest of persons offering for sale or pawn goods supposed to be stolen, &c.

Section 104 authorises *the arrest* by a constable of any person whom he shall find lying or loitering in any highway, yard, or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony against this Act.

ATTEMPTED CRIME.

ATTEMPT TO PICK EMPTY POCKET.—A conviction for an attempt can be supported even if the attempt could not have been practically carried out.

Libraries Offences Act, 1898.—Under this Act persons in public libraries (to which the Act applies) can be punished for offences—disorderly conduct, obscene language, gambling, &c.—committed to the annoyance or disturbance of persons using the libraries. Under the Public Libraries Act, 1901, a library authority may make byelaws for regulating the use of libraries, &c.

Licensing Act, 1872, s. 12. Drunkenness.—Drunkenness in a public place or on licensed premises; drunkenness in any public place *and being guilty of any riotous or disorderly conduct*; drunkenness in a public place whilst in charge of any carriage, horse, cattle, or steam-engine; drunkenness in *any place* when in possession of loaded firearms, are offences under the above section.

The law was amended by the Licensing Act, 1902, ss. 1 to 8 (section 4 is repealed), and the powers of the police were considerably enlarged thereby. The Act authorises the *apprehension* of any person found drunk in any highway or public place, or on licensed premises, "*who appears to be incapable of taking care of himself.*"

Section 2 authorises the arrest of any person found drunk whilst in charge of a child under seven years of age.

Section 6 relates to "blacklisting."

The Licensing (Consolidation) Act, 1910, which came into operation 1st January, 1911, consolidated the Law relating to Justices' Licences for the Sale by Retail of Intoxicating Liquor and provides for the Registration of Clubs. It contains 113 sections, which may be thus classified:—

Sections 1 to 53 deal with the powers and privileges of justices regarding the grant and renewal of licences. Sections 54 to 63, "Closing Hours"; and section 64 to occasional licences.

Sections 65 to 85 contain general regulations as to sale of liquor and conduct of licensed premises. Sections 86 and 87 deal with protection of owners. Sections 88 to 90 deal with temporary authority to continue business, and sections 91 to 98 to registration of clubs.

The remaining sections relate to legal proceedings, supplemental provisions, definitions, exemptions, savings, &c.

There are seven schedules. The seventh schedule repeals wholly or in part over a dozen statutes under which the Licensing Law had hitherto been administered, including the Ale House Act of 1828, the Wine and Beer-house Acts, the Licensing Acts, 1872 and 1874, the Intoxicating Liquors (Sale to Children) Act, 1901, the Licensing Acts, 1902, 1904, and 1906.

The following is an analysis of such of the sections of the Act as are likely to be of interest, and of such portions of the Licensing Acts, 1872 and 1874, and the Licensing Act, 1902, as are left unrepealed.

Section 1 requires that a justices' licence must be obtained before a retail excise licence can be applied for.

Sections 2 to 8 relate to licensing districts and authorities. A licensing district is a petty sessional division of a county and a borough having a separate commission of the peace. The licensing justices *in a county* are the justices acting in and for the petty sessional division. The confirming authority and the compensation authority are quarter sessions.

Sections 9 to 11 deal with grant of licences and general annual licensing meeting.

Sections 16 to 19 deal with renewal of licences.

Sections 20 and 21 deal with compensation. Sections 22 to 28 deal with transfers and renewals.

Sections 29 to 32 deal with appeals.

Section 33 deals with provisional licence for new premises.

Sections 34 to 39 deal with disqualification of persons and premises.—Section 35, disqualified persons. Section 36, disqualification of premises. Section 37, qualification of premises for on-licence, and section 38 for off-licence. Section 39 deals with the mode of ascertaining “annual value.”

Section 40.—Disqualification of Justices.—Justices connected with brewing, distilling, the making or retailing of malt, &c., within the licensing district or adjoining districts are prohibited from acting for any purpose under this Act; but such provision shall not prevent a justice adjudicating in the case of persons charged with offences under section 12 of the Licensing Act, 1872, or section 2 of the Licensing Act, 1902.

Sections 41 to 47.—Supplemental provisions as to licences and procedure.

Sections 48 and 49.—Clerk of licensing justices.

Sections 50 to 53.—Register of licences.—Under section 50, a register shall be kept in every licensing district by the clerk; and shall be open to the inspection of the police and officer of excise without payment.

CLOSING HOURS.

Sections 54 to 63.—Closing hours.—The hours during which licensed premises are required to be closed in town and country are set forth in the Sixth Schedule to Act. In Metropolis.—On Saturday night from 12 p.m. until 1 p.m. on Sunday, when they may open until 3 p.m. and again from 6 p.m. to 11 p.m., when they must remain closed till 5 a.m. on Monday morning. On all other days the closing hours are from half-an-hour after midnight until 5 o'clock on the same morning. In town or "populous place," that is any area with a population of not less than 1,000 which by reason of density the confirming authority determine to be a populous place, the closing hours are from 11 p.m. on Saturday to 12.30 p.m. on Sunday, and on Sunday from 2.30 p.m. until 6 p.m., and on Sunday night 10 p.m. until 6 a.m. on the following morning. On the nights of all other days from 11 p.m. till 6 a.m. Premises not in the Metropolis or in town or "populous place" must close on Saturday at 10 p.m. until 12.30 p.m. on Sunday, and on Sunday afternoon from 2.30 p.m. until 6 p.m., and on Sunday night from 10 p.m. until 6 a.m. on following morning. On the nights of all other days from 10 p.m. until 6 a.m. on following morning. Special provisions apply to Wales. In town or populous place, Saturday from 11 p.m. till 6 a.m. on Monday. Other nights from 11 till 6 a.m. Not in town or

populous place, Saturday from 10 p.m. till 6 a.m. Monday. Other nights from 10 p.m. till 6 a.m. Both in England and Wales the closing hours on Christmas Day and Good Friday shall be the same as in England on Sunday and Saturday. Under section 56 there is power to vary general closing hours on Sunday afternoon.

EXEMPTION ORDERS.

Exemption orders for the keeping open of licensed premises may be granted by local authority, if necessary or desirable, exempting licensed persons from provisions of Act as to general closing hours. Any order so made must be "affixed" to the premises.

Section 55. — A "General" Exemption Order may be granted by local authority (in metropolitan district the Commissioner of Police, subject to Secretary of State's approval, in City of London, Commissioner of Police, subject to Lord Mayor's approval; elsewhere a petty sessional court), in cases where they think it desirable owing to any considerable number of persons attending any public market or following any lawful trade or calling. Any order so made must be affixed and kept affixed outside the premises.

Section 57. — A "Special" Exemption Order may be given by local authority "exempting" from closing hours on any "special" occasion or occasions.

Sections 58, 59, and 60 apply to six-day licences, early closing licences, and remission of duty.

Section 61 provides a penalty for contravention of provisions of Act as to closing hours, provided that—

A holder of a justices' licence shall not be liable to any penalty for supplying intoxicating liquors after the hours of closing to private friends *bona fide* entertained by him at his own expense; and nothing in the Act shall preclude the holder of a justices' on-licence from selling intoxicating liquor to be consumed on the premises at any time to persons lodging in his house, or except where the licence is a six-day licence, and the sale is on Sunday to *bona fide* travellers; and nothing in the Act as to closing hours shall preclude the sale of liquor at any time at a railway station to persons arriving at or departing therefrom by railroad.

BONA FIDE TRAVELLER.—A person shall not be deemed a "*bona fide* traveller" unless the place where he lodged during the preceding night is at least *three miles* distant from the place where he demands to be supplied with liquor, calculated by the nearest public thoroughfare.

Section 62 provides a penalty on person found on licensed premises during closing hours, unless he satisfies the court that he was

an inmate, servant, lodger, *bona fide* traveller, or was lawfully on the premises. A constable may demand the name and address of person so found, and if he has reason to doubt the correctness of the information given, may apprehend offender.

Refusal to give name and address, giving false name and address, giving false evidence with respect to name and address, obtaining or attempting to obtain intoxicating liquor during closing hours by falsely representing himself to be a traveller or lodger are also offences under this section.

Section 63 empowers justices to close licensed premises in case of riot, or anticipated riot, and penalty is provided for contravention of order and premises may be closed by force.

[As a matter of passing interest reference may here be made to the Intoxicating Liquor (Temporary) Restriction Act, 1914, which came into operation on the 31st August, 1914, under which licensing justices may, if they think fit, upon the recommendation of the Chief Officer of Police that it is desirable for the maintenance of order or the suppression of drunkenness in any area by order direct that the sale or consumption of intoxicating liquor on "retail" premises and clubs shall be suspended during such hours and subject to such conditions and exceptions (if any) as may be specified in the order. If an earlier hour than nine be fixed

the Secretary of State's approval is necessary. A penalty of £50 is provided in respect of contravention or failure to comply with order.]

Sections 65 to 85.—General regulations as to sale of liquor and conduct of licensed premises :

Section 65.—Penalty for selling liquor without a justices' licence :—First offence, £50 or one month's imprisonment ; second offence, £100 or three months' imprisonment, any subsequent offence, £100 or six months' imprisonment ; and forfeiture of licence on second or subsequent offences.

Section 66.—Penalty for allowing drinking in contravention of licence, £10. The holder of an off-licence becomes subject to the penalty if he permits drink to be consumed on premises where sold or on adjoining premises if belonging to him or on any highway adjoining or near such premises.

CHILDREN.

Section 67.—Penalty for the sale of *spirits* to be consumed on the premises to any person apparently under the age of 16 years, 20s. ; second offence, 40s.

Section 68 deals with knowingly selling, &c., intoxicating liquor to persons under the age of 14 years for consumption on or off premises, except such intoxicating liquors as are sold or delivered in corked and sealed

vessels containing not less than one reputed pint for consumption off the premises only.

A person shall not knowingly send any person under the age of 14 to any licensed premises for the purpose of obtaining intoxicating liquor, except as aforesaid.

A member of the licensee's family or his servant or apprentice may be employed as a messenger to deliver intoxicating liquors.

For the purposes of this section, the expression "corked" means closed with a plug or stopper of cork, wood, glass, or other material; the expression "sealed" means secured with any substance without the destruction of which the cork, plug, or stopper cannot be withdrawn.

Penalty under the section, first offence, 40s., subsequent offences, £5.

Section 69 requires that all intoxicating liquor which is sold by retail must be sold by standard measure.

Section 70.—Structural alterations.—Prohibition as to making internal communication between licensed premises and house of public resort.

Section 71 prohibits certain structural alterations being made on licensed premises without consent of justices.

Section 72 gives power to justices in certain cases to require structural alterations to be made in premises.

Section 73.—Improper storing of liquor.

Section 74.—Name of holder of licence, &c., to be affixed to licensed premises.

Section 75.—Permitting drunkenness.—Penalty for permitting drunkenness or quarrelsome or riotous conduct on premises, or selling intoxicating liquor to drunken person. On proof that a person was drunk on the premises it lies upon the licensee to prove that he and his servants “took all reasonable steps” for preventing drunkenness on the premises.

Section 76.—Disorderly house.—Penalty for allowing premises to be the habitual resort of prostitutes; but such persons may remain on premises for such time as is necessary for the purpose of obtaining reasonable refreshment.

Section 77.—Brothels.—Penalty for permitting premises to be a brothel, £20 and forfeiture of licence.

Section 78.—Harbouring.—To “harbour” or knowingly suffer to remain on licensed premises whilst on duty any constable, or supply liquor to any constable on duty is an offence, or to bribe or attempt to bribe any constable. Penalty, £10.

Section 79.—Gaming.—Penalty for permitting any “gaming” or unlawful game to be carried on in licensed premises, or contravening the Betting Act, 1853.

Section 80.—Power to exclude drunkards from licensed premises.—Licensee may refuse to admit to and may turn out of his premises any person who is drunken, violent, quarrel-

some or disorderly, and any person whose presence on the premises would subject him to a penalty. Any such person refusing to quit shall be liable to a penalty of £5, and all constables are required, on request of licensee, his agent or servant, to assist in expelling any such person, using such force as may be required.

Section 81.—Entry on premises.—Any constable may, for the purpose of preventing or detecting offences, at all times enter on any licensed premises, and any person refusing or failing to admit constable shall be liable to a penalty of £5.

Section 82.—Search warrant.—Justice may issue search warrant for detection of liquor sold or kept contrary to law.

Section 83.—Meetings of justices not to be held on licensed premises, nor any coroner's inquest where other suitable premises have been provided.

Section 84.—Obligation on holder of licence to produce licence if required by justice, constable, or officer of excise.

Section 85.—Evidence of sale or consumption of intoxicating liquor.—In proving the sale or consumption of liquor in any proceeding it shall not be necessary to show that money actually passed or liquor was actually consumed if the justices are satisfied that a transaction in the nature of a sale actually took place or that any consumption of

intoxicating liquor was about to take place. Proof of consumption is *prima facie* evidence of sale.

Sections 86 and 87 relate to the protection of owners. Notice of conviction, &c., must be given to owner.

Sections 88 to 90.—Protection order or authority to carry on business pending transfer.

Section 91.—Obligation to register clubs.

Section 92.—Mode of registration.—Clerk to justices to keep register, which shall be open to the inspection of an inspector or superintendent of police or customs and excise officer.

Section 93.—Penalty for supplying or keeping liquor in unregistered club, imprisonment for one month or fine of £50, or both.

Section 94.—Supply of intoxicating liquor in clubs for consumption off the premises.

Section 95.—Striking club off register.

Section 96.—Search warrant to enter club.

Section 97.—Penalty for false returns, &c., by club secretary.

Section 98 provides that the clerk of a metropolitan police court must keep the register for his district; in the City of London the clerk of special sessions.

Sections 99 to 105.—Legal proceedings, &c.

Sections 106 to 110.—Supplemental Provisions, definitions, &c.

Section 111.—Exemptions and savings.

Sections 112 and 113.—Repeal, short title, &c.

Schedules.—The Act contains seven schedules.

LICENSING ACT, 1872.

Sections of Licensing Act, 1872, which remain unrepealed—

Sections 1 and 2.—Title and extent of Act.

Section 12.—Drunkenness. — Penalty on persons found drunk on highway or other public place or on licensed premises, 10s. ; and on a second offence (within 12 months), 20s. ; and on a third or subsequent conviction (within 12 months), 40s.

Under section 38 of the Criminal Justice Administration Act, 1914, which for this purpose comes into force on the 1st April, 1915, one justice will be able to deal with this offence.

Every person guilty while drunk—

- (1) Of riotous or disorderly behaviour ; or
- (2) Who is drunk while in charge of carriage, horse, cattle, or steam engine ; or
- (3) Who is drunk when in possession of loaded firearms

may be *apprehended*. Penalty, 40s., or imprisonment for one month.

Section 27.—Refreshment houses.—Intoxicating liquor not to be drunk at “ refreshment house ” during the hours when the house would be closed if it were an inn.

Section 28.—Amendment of law as to refreshment houses.

Section 39. — Magistrate. — Stipendiary magistrate may act as licensing justice.

Section 46.—Annual value.—Annual value necessary for obtaining grant of licence, so far as it applies to excise licences.

Section 75.—Proviso to section.

Sections 76 to 90.—Application of Act to Ireland.

LICENSING ACT, 1874.

Sections of Licensing Act, 1874, which remain unrepealed—

Section 1.—Title, &c., of Act.

Section 11.—Hours of closing “night” houses.

Section 19.—Occasional licences.—Extension of time for closing; and the *definition* of “occasional licence” in section 32.

Lotteries.—A lottery is a distribution of prizes by lot or chance. Lotteries are deemed to be public nuisances, and keepers and players may be indicted. Proceedings may also be taken under the Gaming Act, 1802, the Lotteries Acts, 1806 and 1823, the Vagrancy Act, 1824, but under the 1806 and 1823 Acts the proceedings must be taken at the suit of the Attorney-General. The Gaming Act, 1854, may also apply.

The advertising, &c., of lotteries is illegal, but persons connected with “Art Unions” are protected from penalties under the Art

Unions Act, 1846, so long as the provisions of that statute are complied with.

Lotteries are constantly promoted in connection with bazaars, and sweepstakes in connection with races, &c., are quite common. They are illegal and a constable should report to his superiors any case coming to his notice.

Lunatics.—Under the Lunacy Acts, 1890 and 1891 certain duties fall to the police, and under section 15 of the 1890 Act persons wandering at large who are deemed to be lunatics are to be apprehended and taken before a justice.

If a constable, relieving officer, or overseer, discover that any person within the district or parish, who is not a pauper and not wandering at large is deemed to be a lunatic and is not under proper control, or is illtreated or neglected, he must within three days give notice to a justice, and the justice may upon being satisfied order the constable, relieving officer or overseer to forthwith remove the lunatic to an asylum. (Section 13.) Police can, however, make arrangements for performance of the duty by some other person. (Section 2, Act of 1891.)

Mental Deficiency.—It is perhaps advisable to make a passing reference to the Mental Deficiency Act, 1913, which was passed to make further and better provision for the care of feeble minded and other mentally defective

persons and to amend the Lunacy Acts. The persons deemed under the Act to be defectives include idiots, imbeciles, feeble-minded persons and moral imbeciles, the last mentioned being persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

In any case where a person charged appears to be a defective, a police officer should report to his superiors so that the local authority may be communicated with.

The Act also deals with a number of offences, including :—

Obstruction of officers under the Act.

Ill-treatment of defectives.

Protection of defectives from acts of sexual immorality, procuration, &c., and the power of search, which under the Criminal Law Amendment Act, 1885, applied to girls under 16, is extended to women of all ages.

False entries in books, &c.

Making untrue statement for the purpose of obtaining any certificate, &c., under the Act.

Breach of regulations.

Malicious Damage Act, 1861.—This Act contains 79 sections, and the offences dealt with are summarized as follows :—

Sections 1 to 8 deal with injuries by fire to buildings and goods therein, and attempts to commit the crime commonly known as arson.

Section 9 deals with injuries by explosive substances to buildings and goods therein, and section 10 with attempt to commit such crime.

Sections 11 and 12 deal with rioters demolishing church, or any other building, and injuring church, building, machinery, &c.

Section 13 deals with injuries to buildings by tenants.

Section 14 deals with destroying goods in process of manufacture, and damaging, &c., looms and other machinery.

Section 15 deals with destroying other machines, including agricultural machines.

Sections 16 to 24 deal with injuries to corn, trees and vegetable productions.

Section 25 deals with injuries to fences.

Sections 26 to 29 deal with injuries to mines.

Sections 30 and 31 deal with injuries to sea and river banks, and to works on rivers, canals, &c.

Section 32 deals with injuries to ponds.

Sections 33 and 34 deal with injuries to bridges, viaducts, and toll bars.

Sections 35 to 38 deal with injuries to railway carriages and telegraphs, and attempts to injure telegraphs.

Section 39 deals with injuries to works of art.

Sections 40 and 41 deal with injuries to cattle and other animals.

Sections 42 to 49 deal with setting fire and attempting to set fire to ships, placing gunpowder near a vessel with intent to damage

it, damaging ships otherwise than by fire, exhibiting false signals, &c., removing or concealing buoys and other seamarks, destroying wrecks or articles belonging thereto.

Section 50 deals with sending letters threatening to burn or destroy houses, buildings, &c.

Section 51 deals with malicious injury not before provided for, above £5, in the day or by night, neither of which cases could be dealt with summarily under the Act.

Section 52 deals with damage not exceeding £5 with which justices could deal.

Under section 14 of the Criminal Justice Administration Act, 1914, justices will, on and after the 1st of April, 1915, have jurisdiction to deal summarily with cases where the amount of the damage does not, in the opinion of the court, exceed £20; except that this new provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of. Moreover, a person shall not be committed for trial for an offence under section 51 unless the court is of opinion that the damage exceeds £5.

Sections 54 and 55 deal with making gunpowder, &c., with intent to commit any felony against the Act, and also provides for the granting of search warrants.

Section 56 deals with principals in the second degree, and accessories.

Section 57 deals with arrest without warrant of persons loitering at night and suspected of felony against the Act.

Section 58 provides that proof of actual malice against the owner of property is unnecessary. ("Malicious" in this Act means purposely and without lawful excuse.)

Section 61 provides for arrest without warrant of persons in the act of committing an offence.

Section 63 deals with punishment of abettors.

Married Women.—The Married Women's Property Act, 1882, gives a married woman the same remedies and redress by way of criminal proceedings in respect of her own separate property as if unmarried, but no proceedings can be taken against husband whilst parties are living together.

Section 16 of the Act modifies the common law as to immunity of wife found stealing her husband's goods, and she is liable to criminal proceedings by her husband if she does any act with respect to her husband's property which, if done by him with respect to her property, would make him liable to criminal proceedings by her. If a married woman commits theft or like offence in the presence of her husband she cannot be convicted as she is presumed to have acted under his coercion, but this presumption may be rebutted if it be shown that she was not coerced.

Under section 28 of the Criminal Justice Administration Act, 1914, an extremely important amendment of the law was made under which the wife or husband of a person charged with bigamy may now be called as a witness either for the prosecution or defence, and without the consent of the person charged.

Master and Servant.--CHARACTERS, &c.--Under the Servants' Characters Act, 1792, a person personating a master, &c., giving false character to servant, or knowingly or wilfully pretending or falsely asserting in writing that any servant has been hired for any period other than that for which he shall have been hired or retained, or was discharged or left his service at any other time than that at which he actually left, or that he had not been hired or employed in any previous service, is liable to fine or imprisonment, as is any person offering himself as servant making false statements or producing counterfeit certificate of character or altering character given by former master.

It should be noted that a master is not bound to give a servant a character, but if he do so it must be a true one.

LARCENY BY SERVANT.--A servant is as much guilty of larceny if he disposes of his master's property placed under his care as if he had taken it out of the actual custody of his master. An unauthorised gift by a servant

of his master's goods will be as much a felony as if he had sold or pawned them.

MISAPPROPRIATION.—Under the Misappropriation by Servants Act, 1863, a servant using master's corn for horses, without authority, is not guilty of felony, but is liable to imprisonment.

There are many other matters relating to Masters and Servants which do not affect the police, but as they are often applied to for information it may be pointed out that justices are empowered under the Employers and Workmen Act, 1875, to deal with disputes between an employer and a workman [by the Merchant Seamen (Fees and Expenses) Act, 1880, the Act extends to seamen and apprentices] up to £10. Justices can also deal with apprentices to the business of a workman so long as the premiums, if any, do not exceed £25.

LABOUR DISPUTES.—Section 7 of the Conspiracy and Protection of Property Act, 1875, provides for the punishment of a person who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority.

- (1) Uses violence to or intimidates such other person or his wife or children or injures his property ; or

- (2) Persistently follows such other person about from place to place ; or
- (3) Hides any tools, clothes, or other property owned or used by such other person or deprives him or hinders him in the use thereof ; or
- (4) Watches or besets the house or other place where such other person resides, works, or carries on business, or happens to be, or the approach to such house or place ; or
- (5) Follows such other person with two or more other persons in a disorderly manner in or through any street or road.

By the Trades Disputes Act, 1906, peaceful picketing is permitted.

There are several Truck Acts dealing with a large number of matters, but these are not of interest to police.

Merchant Shipping.—The Merchant Shipping Act, 1894, consolidated enactments relating to merchant shipping, and was amended by the Merchant Shipping Acts, 1906 and 1907. The Act of 1894 contains important provisions with regard to marine store dealers, which are dealt with under the title Old Metal Dealers.

Midwives.—The Midwives Act, 1902, provides for the certification of midwives and the appointment of a central midwives board for

the purpose of regulating their appointment and control, and provides penalties for contraventions of the Act in respect of:—

- (a.) Taking and using the title of midwife without being certified ;
- (b.) Uncertified women habitually and for gain attending women in child birth otherwise than under the direction of a qualified medical man.
- (c.) Failure to notify in writing intention to practise in any area.

Money Lenders Act, 1900.—Under this Act money lenders must be registered. The term “ money lender ” includes every person whose business is that of money lending, or who advertises, &c., himself as carrying on that business, but does not include a pawnbroker acting as such, or any society registered under the Friendly Societies Act, 1896 ; the Benefit Building Societies Act, 1836 ; the Loans Societies Act, 1840 ; or the Building Societies Act, 1874-1894, or any body empowered by special Acts to lend money in accordance therewith, or any person *bona fide* carrying on the business of banking or insurance, or *bona fide* carrying on any business not having for its primary object the lending of money in the course of which and for the purposes whereof he lends money, or any body corporate exempted from registration by the Board of Trade.

There are a number of offences under the Act, but they are not of general interest to police officers who, however, should bring any alleged infringement to the notice of their superiors.

Motor Car Acts, 1896 and 1903.—These statutes and the many orders made thereunder regulate the use of light locomotives or motor cars.

Under the 1896 Act (which was called the Locomotives on Highways Act) and orders made thereunder, a light locomotive is a vehicle propelled by mechanical power under three tons weight unladen (excluding the weight of any water, fuel, or accumulators used for the purposes of propulsion) and not used for the purpose of drawing more than one vehicle, which, with the locomotive is to weigh not more than four tons, and is so constructed that no smoke or visible vapour is emitted therefrom, except from any temporary or accidental cause.

The Locomotives Acts do not apply to light locomotives and motor cars so long as the conditions laid down in the Motor Car Acts as to construction, &c., are complied with.

The Locomotives on Highways Act, 1896, and the Motor Car Act, 1903, are cited together as the Motor Car Acts, 1896 and 1903.

In addition to the lighter vehicles there is a vehicle known as a heavy motor car, which

is a motor car over two tons, but not more than five tons in weight, unladen, or with an unladen trailer not exceeding six and a half tons. Heavy motor cars above five tons in weight, but not exceeding seven tons if registered before 1st September, 1904, are in the same position as newly registered heavy motor cars not exceeding five tons.

Light locomotives and motor cars are to be deemed carriages within the meaning of various statutes, &c.

A motor cycle is a motor car with not more than three wheels and weighing unladen not more than three hundredweight.

Under the Act of 1896, proper lights must be carried in accordance with regulations of the Local Government Board, and a bell or other instrument to give due warning of the approach or position of the carriage.

Under section 1 of the Motor Car Act, 1903, it is an offence to drive a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

This means that a car must be driven with due regard to the safety of the public, and if a highway is so narrow or so crowded that five miles an hour is the only safe speed, the driving at any greater speed will be an offence. Further than this, the fact that no person or vehicle is on the highway does not entitle

a person to drive at a speed that might be dangerous if there were any traffic on the road.

A constable may arrest without warrant a person committing an offence under section 1 within his view if such person refuses his name and address or fails to produce his licence on demand, or if the car does not bear the identification mark.

It is also an offence to use an unregistered car on a highway, or with the mark obscured, or driving without a licence, or employing a person to drive without a licence (which is granted for twelve months and may not be granted to a person under seventeen for a motor car other than in respect of a motor cycle, a licence to drive which may be granted to a person over fourteen years of age) failing to produce licence when demanded by a constable, failing to produce licence for endorsement on conviction, applying for licence when disqualified, forging, &c., mark or licence, driver failing to stop if required in case of accident, driving at more than twenty miles an hour or any greater speed than that allowed by special regulations, but notice must be given to the driver with regard to intended prosecutions for exceeding speed limit at the time, or sent to him or the owner within a reasonable time, not exceeding twenty-one days, after the commission of the offence.

Under the various Orders made by the Local Government Board, other requirements are made with regard to :—

Brakes ;

Lights ;

Person necessary to apply brake to trailer ;

Driver to be in position to have full control of car, and not to quit car without taking due precautions against it being started in his absence ;

Obstruction ;

Failing to give warning of approach ;

Failing to stop and remain stationary so long as is reasonable when required by constable in uniform, or person having charge of a horse, or when signalled to by such constable or person ;

Failing to stop machinery of car when stationary.

So far as heavy motor cars are concerned the speed must not exceed eight miles an hour if the weight unladen exceeds three tons, or if the registered axle weight of any axle exceeds six tons, or not more than five miles an hour if drawing a trailer.

If, however, the heavy motor car has all its wheels fitted with pneumatic tyres or tyres made of soft or elastic material, the speed allowed is :—

Twelve miles an hour if registered axle weight does not exceed six tons, but if over that weight, eight miles per hour.

Music.—"Pirated" Music.—The Musical (Summary Proceedings) Copyright Act, 1902, provides a summary remedy in respect of pirated copies of musical works, and upon application by the owner justices may order seizure of pirated copies by constable, who may seize pirated copies upon request in writing by the owner of the copyright, or his agent duly authorised. Power is also given under the Musical Copyright Act, 1906, to grant search warrant, and it is an offence to print, &c., or have in possession, pirated copies or plates for printing or reproducing such copies.

Persons selling, &c., pirated copies in streets or public place, may be arrested by a constable without warrant upon written authority to chief of police, signed by owner, but at risk of owner.

Offences against the Person Act, 1861.—This is one of the most important statutes with which the police have to deal.

The following matters are dealt with in the various sections.

Section 1.—Whosoever shall be convicted of murder shall suffer death as a felon. Murder is where a person of sound memory and discretion unlawfully kills any human being with malice aforethought.

Section 2.—Death sentence must be pronounced in court. (At one time the judge

could direct such sentence to be recorded.) As, however, has been pointed out, the Children Act, 1908, provides that sentence of death may not be pronounced or recorded against a person under sixteen years of age, who must be sentenced to be detained during His Majesty's pleasure.

Section 4.—Conspiracy or soliciting to commit murder.

Section 5.—Punishment for manslaughter. Manslaughter is the unlawful killing of another without malice.

Section 7 exempts from punishment in case of excusable homicide.

Sections 11 to 15.—Attempts to murder, including administering or causing to be administered or taken by any person any poison or other destructive thing, or wounding with intent to murder, destroying or damaging a building with explosives with intent, &c., setting fire to or casting away a ship with intent, &c., attempting to administer poison or shooting or attempting to shoot or attempting to drown, &c., or by any other means attempting to commit murder.

Section 16.—Sending letters threatening to murder.

Section 17.—Impeding a person endeavouring to save himself from shipwreck.

Section 18.—Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.

Section 19 defines loaded arms.

Section 20.—Inflicting bodily injury with or without weapon.

Section 21.—Attempting to choke, &c., any person in order to commit any indictable offence.

Section 22.—Using chloroform with intent to commit any indictable offence.

Sections 23 and 24.—Maliciously administering poison, &c., so as to endanger bodily harm, or with intent to injure, aggrieve, or annoy any other person.

Section 26.—Masters, &c., not providing apprentices with food, &c., whereby life is endangered.

Section 27.—Exposing child under two years of age, whereby his life is endangered.

Section 28.—Causing bodily injury by gunpowder, &c.

Section 29.—Causing gunpowder, &c., to explode or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

Section 30.—Placing an explosive near a building with intent to do bodily injury.

Section 31.—Setting spring guns, &c., with intent to inflict grievous bodily harm.

Section 32.—Placing wood, &c., on a railway, with intent to endanger passengers.

Section 33.—Casting stone, &c., upon a railway carriage with intent to endanger the safety of passengers.

Section 34.—Doing or omitting to do anything to endanger passengers on railway.

Section 35.—Drivers of carriages injuring persons by furious driving, &c.

Section 36.—Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

Section 37.—Assaulting a magistrate or other person on account of his preserving a wreck.

Section 38.—Assault with intent to commit felony, or assaulting or resisting or obstructing peace officer in execution of duty, or assaulting any person with intent to prevent apprehension.

Section 39.—Assaults with intent to obstruct the sale of grain, &c., or its free passage.

Section 40.—Assaults on seamen, &c.

Section 41.—Assaults arising from unlawful combinations.

Section 42.—Punishment for common assault.

Section 43.—Punishment for aggravated assaults on females and boys under fourteen.

Section 48.—Rape.

Section 49.—Procuring defilement of girl under twenty-one.

Sections 50 and 51.—Carnally knowing a girl under ten years of age, or between ten and twelve, and attempts to commit such offences.

Sections 53 and 54.—Abduction of woman against her will from motives of lucre or

fraudulent abduction of girl under twenty-one against the will of her parents or guardian, forcible abduction of any woman, in either case with intent to marry or carnally know, or cause her to be married or carnally known by any person.

Section 55.—Abduction of unmarried girl under sixteen from parents or guardian.

Section 56.—Child stealing.

Section 57.—Bigamy.

Sections 58 & 59.—Attempting to procure abortion by administering, &c., drugs, or using instruments, or procuring drugs, &c., to cause abortion.

Section 60.—Concealment of birth. To substantiate this offence it must be proved that a woman was delivered of a child, alive or dead, and that there was some act of disposal of the body after the child was dead for the purpose of concealing the birth. Under the section a person charged with murder and acquitted thereof may be sentenced for concealment of birth.

Section 61.—Sodomy and bestiality. These cases are, no doubt, not uncommon. Difficulty is, however, generally experienced in getting sufficient proof, at any rate in cases of the crime between males, without the evidence of accomplices, which has to be strongly corroborated. Constables will therefore do well to report cases of suspicion to their superiors before taking any steps.

Section 64.—Making, or having gunpowder, &c., with intent to commit any felony against the Act.

Section 65.—Search warrant.

Section 66.—Person loitering at night and suspected of felony under the Act may be arrested.

Old Metal Dealers Act, 1861.—This Act was passed to regulate the business of dealers in metals and was enacted to diminish the facilities for disposing of stolen goods. The term “dealer in old metals” means any person dealing in, buying or selling old metal, scrap metal, broken metal, or partly manufactured metal goods or defaced or old metal goods, and whether such person deals in such articles only or together with secondhand goods or marine stores, and the term “old metals” means the said articles.

Under section 4 of the Act a warrant may be obtained authorising the search for old metal stolen or unlawfully obtained, and if, upon summons issued, the dealer shall not prove to the satisfaction of the court how he came by the article, or if it shall be proved that when he received it he had reasonable cause to believe it to have been stolen or unlawfully obtained, he is liable to a penalty, and may be ordered to be registered with the police for three years, during which time he shall cause books to be kept containing an

account of all old metal purchased and sold, and the names of the persons from whom the same shall have been purchased or received. He may not make any purchase before 9 a.m., or after 6 p.m., or from persons under sixteen, or employ any person under sixteen to purchase or receive old metals of any description, or change the form or dispose of old metals purchased within forty-eight hours. He must inform the police of any old metal which comes into his possession answering the description of stolen property.

Under section 13 of the Prevention of Crimes Act, 1871, it is an offence for a dealer in old metal to purchase, receive, or bargain for, either personally or by any servant or agent, any metal, whether new or old, in any quantity at one time of less weight than, in the case of lead or any composite the principal ingredient of which is lead, 112 lbs., or in the case of copper, brass, tin, pewter, German silver or spelter, or any composite the principal ingredient of which is any of such metals, 56 lbs.

Under section 115 of the Children Act, 1908, it is an offence for dealers in old metal, and marine store dealers, to purchase old metal from any person apparently under sixteen years of age.

Under section 538 of the Merchant Shipping Act, a dealer in marine stores is required to have his name and the words "dealer in

marine stores" distinctly painted in letters of not less than six inches in length on every warehouse and place of deposit belonging to him, under a penalty of £20. Section 539 requires that proper books giving full details of all transactions be kept, and section 540 prohibits a marine store dealer from purchasing marine stores from a person apparently under the age of sixteen years.

Section 86 of the Public Health Act Amendment Act, 1907, contains requirements with regard to dealers in old metal and marine stores, namely:—

- (1.) To register of name, place of abode, place of business, warehouse, store, &c., with local authority.
- (2.) To correctly enter in proper book description and price of all articles purchased or otherwise acquired by him, and name and address and occupation of person from whom purchased.
- (3.) Persons duly authorised in writing by the local authority to have free access to place of business, &c., to inspect same and books, and penalties are provided in respect of offences. The provisions of this section must be duly advertised by the local authority as required by the section.

Palmistry or Fortune Telling.—Under section 4 of the Vagrancy Act, 1824, every person pretending or professing to tell fortunes, or

using any subtle craft, means, or device, by palmistry or otherwise to deceive or impose on any of His Majesty's subjects, is to be deemed a rogue and vagabond.

The offence of undertaking to tell fortunes is also punishable on indictment under the Witchcraft Act, 1736.

Pawnbrokers.—The Pawnbrokers Act, 1872, requires every pawnbroker to take out an Inland Revenue licence for each shop kept by him, such licence not to be granted except on production of a certificate granted in the Metropolis by a magistrate, in any place within the jurisdiction of a stipendiary magistrate by that magistrate, in county districts by the district council, and in county boroughs by the town council.

The Act applies to every loan of 40s. or under, and to every loan above 40s. and not above £10, except where there is a special contract for loans above 40s.

Penalties are provided by the Act in respect of the following offences:—

BY PAWNBROKER—

Taking any article in pawn from a person appearing to be intoxicated.

Purchasing or taking in pawn or exchange a pawn ticket issued by another pawnbroker.

Employing any servant or other person under the age of sixteen years to take pledges in pawn.

Carrying on his business on Sunday, Good Friday or Christmas Day, or day of public fast or thanksgiving.

Under any pretence purchasing, except at a public auction, any pledge while in pawn with him, or suffering any such pledge to be redeemed with a view to his purchasing it.

Making any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption.

Selling or otherwise disposing of any pledge pawned with him, otherwise than in accordance with the Act.

Taking in pawn any linen or apparel or unfinished goods or materials entrusted to any person to wash, scour, mend, manufacture, make up, finish, or work up.

Failing to keep the books specified in schedule 3 of the Act, or to produce them when required so to do by a justice.

Failing to keep his name on the shop door, and a table of rates in his shop.

Failing to give a ticket on taking a pledge.

Exceeding the rates specified to be taken.

Neglecting or refusing without reasonable excuse (proof whereon shall lie on him) to deliver a pledge to the person entitled thereto.

Taking any article in pawn from a person appearing to be under the age of fourteen years. (Children Act, 1908, section 117.)

ANY PERSON—

Knowingly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the same.

Offering to a pawnbroker any article by way of pawn, and being unable or refusing to give a satisfactory account of the means by which he became possessed of the article.

Wilfully giving false information to the pawnbroker as to whether any article is his property or not, or as to his name and address, or as to the name and address of the owner of the article.

Not being entitled to redeem an article, redeeming, or attempting to redeem such article.

In respect of some of the above offences and in cases where a pawnbroker reasonably suspects that an article offered in pledge has been stolen or otherwise illegally obtained, or that a pawnticket produced to him has been forged, &c., the pawnbroker may seize and detain the person and the article, and hand them over to a police constable. (Sections 34 and 35.)

In any such case, however, the constable should require the pawnbroker to sign the charge sheet.

Pedlars Act, 1871.—The term “pedlar” means any hawker, petty chapman, tinker, caster of metal, mender of chairs, or other

person, who, without any horse or other beast bearing or drawing burden, travels and trades on foot, and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, &c., immediately to be delivered, or selling or offering for sale his skill in handicraft. Persons standing in the streets to sell their goods and not going from house to house or from town to town do not seem to come within the definition of a pedlar.

CERTIFICATES.—Every pedlar is required to take out a certificate (fee 5s.), application for which must be made to the chief officer of the police, and every applicant must have resided within the district during one month previous to the application, must satisfy the chief officer that he is over seventeen years of age, is of good character, and in good faith intends to carry on the trade of a pedlar. Certificate remains in force for one year. Any person who acts as a pedlar without a certificate is liable to a penalty. A pedlar refusing on demand to show his certificate, or refusing to allow an officer to open and inspect his pack is liable to arrest.

Section 2 of the Pedlars Act, 1881, provides that a pedlar's certificate granted under the Pedlars Act, 1871, shall authorise the person to whom it is granted to act as pedlar within any part of the United Kingdom.

Persons exempt from the necessity for procuring pedlar's certificates :—

Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from dealers therein, and who buy to sell again, or selling or seeking orders for books as agents authorised in writing by the publishers, sellers of vegetables, fish, fruit, or victuals ; persons selling or exposing for sale goods, &c., in any public mart, market, or fair, legally established.

Perjury.—The Perjury Act, 1911, consolidates, simplifies, and amends the law regarding perjury and kindred offences, and section 1 provides that if any person lawfully sworn as a witness or as an interpreter in a judicial proceeding, wilfully makes a statement material in that proceeding, which he knows to be false, or does not believe to be true, he shall be guilty of perjury.

A conviction cannot be obtained on the evidence of one person only. The following offences are also punishable under the Act :—

(1.) False statements on oath not in judicial proceedings.

(2.) False statement with regard to marriages, births, or deaths.

False statutory declarations, &c., without oath, false declarations, &c., to obtain registration for any vocation or calling.

Aiders and abettors are liable as principals

Petroleum Acts.—The Acts of 1871 and 1879 provide for the safe keeping of petroleum and other substances of a like character. Inspectors appointed under the Acts should have a *written* appointment from the authority appointing them.

PETROLEUM.—The term “petroleum” includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils.

The petroleum to which the Acts apply means such petroleum as, when tested in the manner set forth in schedule I. of the Act of 1879, gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit's thermometer. Benzoline and paraffin, &c., giving off such inflammable vapour come within the Acts.

KEEPING OF PETROLEUM.—Petroleum shall not be kept except in pursuance of licence granted by the local authority, but under section 7 of Act of 1871 it may be kept for private use or for sale if kept in separate glass, metal, or earthenware vessels, containing not more than one pint each, if securely stoppered; aggregate amount not to exceed *three* gallons. Dealers are required to show their place of storage to the officer of the local authority, and to sell him samples of the petroleum they keep,

and power is given to grant search warrant, where petroleum is being kept, &c., in contravention of Act.

PETROLEUM (HAWKERS) ACT, 1881.—Any person who is licensed under Act of 1871 may, subject to the enactments relating to hawkers and pedlars, hawk such petroleum by himself or his servants. Section 2 prescribes in detail the regulations for hawking. Section 4 gives certain powers (as to prevention of offences) to constables or officers authorised by the local authority.

PETROLEUM SPIRIT.—Regulations were made by the Home Secretary on the 31st July, 1907, relating to the keeping, conveyance, and use of petroleum in connection with light locomotives, and a breach of such regulations is punishable under section 7 of the Locomotives on Highways Act, 1896.

Pistols Act, 1903.—The term “pistol” means a firearm or other weapon of any description from which shot or bullet, &c., can be discharged, and of which the length of barrel does not exceed nine inches.

The Act does not apply where an antique pistol (which does not include any pistol with which ammunition is sold or which there is reasonable ground for believing is effectually used) is sold as a curiosity or ornament.

The sale or hire of pistols to any person is illegal unless such person produces a gun or

game licence, or gives reasonable proof that he is exempt from having to take out such licence, or that the use of pistol is to be confined to his own house or curtilage, or that he is proceeding abroad for not less than six months and produces a statement to that effect signed by himself and by a police officer of rank not lower than inspector, or by himself and a justice of the peace.

Sales have to be entered in book kept for purpose specifying descriptions, date of sale or hire, name and address of purchaser or hirer, &c., and the book must be produced for inspection of police or revenue officer.

Under section 4 knowingly selling or delivering a pistol to a person under eighteen years of age is an offence, as it also is for such a person, not being exempt from incurring a penalty for using or carrying a gun without a licence to buy, hire, use or carry a pistol, and the court may order the disposal or forfeiture of the pistol.

Knowingly selling a pistol to a person who is intoxicated or is not of sound mind is also an offence.

Poisons, Sale of.—Under the Pharmacy Act, 1868, poisons may only be sold by qualified and registered chemists and druggists, who must comply with the Act with regard to keeping books, &c.

The Act prohibits the sale of poisons to persons unknown to the seller and requires

that a label with the word "poison," &c., shall be affixed to any bottle containing poison. Certain exemptions apply to apothecaries, veterinary surgeons, and wholesale dealers in poisons, as also to dealers in patent medicines.

Carbolic acid. By Order in Council dated 26th July, 1900, carbolic acid (with certain exceptions) is declared a poison under the Pharmacy Act, 1868.

The Poisons and Pharmacy Act, 1908, permits the sale of certain poisonous substances for agricultural or horticultural purposes by a person not qualified under the Pharmacy Acts, provided such person is duly licensed as required by the Act, and complies with the regulations made thereunder.

Post Office Offences.—The Post Office Act, 1908, consolidated enactments relating to the post office. The following are offences under the Act:—

Stealing mail bag or postal packet.

Taking away or opening mail bag sent by vessel employed under post office.

Receiving stolen mail bag or postal packet.

Fraudulent retention of a mail bag or postal packet.

Criminal diversion of letters from addressee.

Stealing, embezzlement, destruction, &c., by officer of post office, of postal packet.

Opening or delaying postal packets.

Carelessness, negligence, or misconduct of persons employed in carrying or delivering mail bags, postal packets, &c.

Issuing money orders with fraudulent intent.

Forgery and stealing of money order.

The Act also contains prohibitions against :

Placing injurious substances in or against post office letter boxes.

Affixing placards, notices, &c., on post office letter box.

Sending by post explosive, inflammable, or deleterious substances, or indecent prints, words, &c.

Imitating post office stamps, envelopes, forms and marks.

Fictitious stamps.

False notice as to reception of letters.

Obstructing officers of post office; and also contains provisions against obstruction by carriages, hawkers, newsvendors, &c., near General Post Offices in London and Dublin.

The soliciting or endeavouring to procure the commission of any felony or misdemeanour under the Act is a misdemeanour.

Poultry Act, 1911.—This Act gives to the Board of Agriculture and Fisheries power to make orders under Diseases of Animals Acts for protecting live poultry from unnecessary suffering, whilst exposed for sale or in transit, and for requiring the cleansing or disinfection of receptacles or vehicles used for the convey-

ance of live poultry. The expression "poultry" includes domestic fowls, turkeys, geese, ducks, guinea fowls, and pigeons.

Preaching.—There is no specific law on the subject of open air preaching; if meetings are held in the street they appear to stand on the same footing as other obstructions of the highway.

Prevention of Crime.—This is a subject of the gravest importance to police officers, and is dealt with in the Penal Servitude Acts, 1864 and 1891, the Prevention of Crimes Act, 1871, 1879, 1908, and Criminal Justice Administration Act, 1914.

Under the Act of 1871 a constable may, if authorised in writing by the chief officer of police without warrant arrest any convict who holds licence under the Penal Servitude Acts if it appears to such constable that he is getting his livelihood by dishonest means, and bring him before the court, and if the court is satisfied that there are reasonable grounds for believing such to be the case the licence may be forfeited. Breach of licence is also an offence, and a licence holder (*i.e.*, a person who has been released from prison on licence or ticket of leave) before the expiration of his sentence, or supervisee (*i.e.*, a person who having been twice convicted of crime has been placed under police supervision for not exceeding seven years after the expir-

ation of his sentence) must notify his place of residence to the chief officer of police for the district, and any change of residence, and when leaving the district must notify the place to which he is going, and if possible his address at that place, and on arriving there must notify his place of residence to the chief officer there, and if a male must report once a month.

Registration of criminals is provided for, also the taking of photographs, &c.

Under section 7 of the Act of 1871, where any person is convicted on indictment of a crime (*i.e.*, felony, uttering counterfeit coin or possessing counterfeit gold or silver, false pretences, conspiracy to defraud, any misdemeanour under section 58 of the Larceny Act, 1861), and a previous conviction of a crime is proved against him, he shall at any time within seven years immediately after the expiration of the last sentence be guilty of an offence against the Act under any of the following circumstances:—

- (1.) If on his being charged by a constable with getting his livelihood by dishonest means, it appears to the court that such is the case; or
- (2.) If on being charged before a court with an offence he refuses to give his name and address, or gives a false name and address; or
- (3.) If he is found in any place, whether public or private, under such circumstances

as to satisfy the court that he was about to commit or to aid in the commission of any offence, or was waiting for an opportunity to do so ; or

- (4.) If he is found in or upon any dwelling-house or any building, &c., attached thereto, or in or upon any shop, &c., or in any garden, &c., without being able to give a satisfactory account for being so found.

In respect of 3 and 4 he may be arrested by a constable without warrant, or in respect of No. 4 by a private individual until he can hand him over to a constable.

Under section 6 of the Penal Servitude Act, 1891, a person is liable to punishment for an offence under the above mentioned. Section 7, if the offence is committed within seven years after the expiration of the sentence, if one of imprisonment, or if the last sentence were one of penal servitude, if the offence is committed whilst at large under that sentence or within seven years after the expiration thereof. Section 10 of the 1871 Act deals with keepers of lodging houses or licensed houses, &c., knowingly lodging or harbouring thieves, or reputed thieves, or suffering them to assemble, or knowingly allowing the deposit of goods therein which he had reasonable cause for believing to have been stolen, who, in addition to being fined, may be ordered to find sureties in a sum not exceeding £20 and for a period

not exceeding three months. His licence may also be forfeited for a first offence, and must be for a second offence, and a fine may be inflicted if upon conviction and forfeiture of licence he refuses to deliver up the licence, or refuses to produce it.

Section 11 provides a penalty against a brothel keeper for harbouring thieves, &c. Provision is also made for search warrants.

The Prevention of Crimes Act, 1908, was passed with a view to the reformation of offenders between the ages of sixteen and twenty-one, or, by special order of the Secretary of State, twenty-three, and the preventive detention of habitual criminals. Under section 2 an inmate of a reformatory school who is convicted of a breach of the rules, inciting a breach, or escaping, the Court may, in lieu of sentencing him to imprisonment, send him to a Borstal Institution for not less than one year, and not more than three years, such sentence to supersede the sentence of detention in the reformatory school.

Power is given to release on licence a person from a Borstal Institution, and on escape from the person in whose charge he is placed or other breach of conditions the licence is forfeited and the offender may be arrested and remitted to the Borstal Institution or to prison until he can be conveniently removed, and habitual criminals who have similarly forfeited their licences may be remitted

by courts of summary jurisdiction to preventive detention. In 1912 481 males and 50 females were admitted to Borstal Institutions, 520 of such persons having been sentenced by courts of assize and quarter sessions.

An important provision (which will come into operation on the 1st September, 1915) is contained in section 10 of the Criminal Justice Administration Act, 1914, under which where a person is summarily convicted of any offence for which he is liable to imprisonment for one month or upwards without the option of a fine, and it is proved that he has been previously convicted or discharged on probation and has broken a condition of the recognizance, and it appears to the court that by reason of his criminal habits or tendencies or association with persons of bad character, the offender should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, the court may, in lieu of passing sentence, commit the offender to quarter sessions, and that court shall inquire into the circumstances, and if it appears that he is of such age as aforesaid, and should be detained as aforesaid, shall pass such sentence of detention in a Borstal Institution as is authorised under the Act of 1908, as amended by this Act, otherwise the case shall be dealt with as the court of summary jurisdiction might have dealt with it.

Before dealing with a case under this section the court shall consider any representations by the prison authorities as to suitability of the offender for such detention.

Whilst in prison awaiting quarter sessions the offender's treatment shall, so far as practicable, be similar to that in Borstal Institutions, or, if the Secretary of State directs, he may be transferred to a Borstal Institution.

The term of detention, instead of being not less than one year, as provided by the Act of 1908, shall be not less than two years, and he will remain under the supervision of the prison commissioners for one year after the sentence has expired instead of six months as provided by the 1908 Act, and, if re-called to a Borstal Institution, he may be detained up to one year after period of supervision instead of three months as provided by the 1908 Act.

Prize Fights.—Prize fighting is an indictable misdemeanour on the part of all concerned, and if the police receive notice that a prize fight is about to take place, the intended combatants, their aiders and abettors, should be brought before a court with the object of their being bound over to keep the peace.

A sparring match is not illegal, but if parties meet intending to fight till one gives in from exhaustion or injury received, it is a prize fight, whether the combatants fight with gloves or not.

Probation of Offenders.—Under the Probation of Offenders Act, 1907, which repealed previous enactments, provision is made for a court of summary jurisdiction when a charge punishable by such court has been proved, but the court is of opinion that having regard to the character, antecedents, age, health or mental condition of the offender, or to the trivial nature of the offence, or to extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, or only nominal punishment, or that it is expedient to release the offender on probation, without proceeding to conviction, to—

- (1.) Dismiss the information or charge;
- (2.) Discharge the offender, binding him over with or without sureties to be of good behaviour and to appear for conviction and sentence when called on at any time within three years.

The same course may be adopted in like circumstances where a person has been convicted on indictment of any offence punishable with imprisonment.

The Act contains provisions with regard to damages and costs, restitution, conditions of recognizances, officers, salary, &c., power to vary conditions or discharge, recognizance, failure to observe conditions.

Under the 1907 Act a recognizance might contain a condition that the offender should

be under the supervision of a person named therein, and certain additional conditions might be imposed, but under the Criminal Justice Administration Act, 1914, which for this purpose will come into force on the 1st April, 1915, the provision as to additional conditions is as follows :—

“ A recognizance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.”

And with regard to variation of the terms and conditions of probation the new Act provides that the court—

- (a.) May at any time if it appears to it, upon the application of the probation officer, that it is expedient that the terms or conditions of the recognizance should be varied, summon the person bound by the recognizance to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the recognizance by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of

the original order) or by altering the conditions thereof, or by inserting additional conditions; or

- (b.) May on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognizance has been such as to make it unnecessary that he any longer be under supervision discharge the recognizance.

The matter of Probation is of such importance, that on and after the 1st April, 1915, under the Criminal Justice Administration Act, 1914, power is given to recognize and subsidise out of money provided by Parliament societies for the care of youthful offenders on probation.

Railways.—Under the Railways Regulation Act, 1840, railway authorities have ample power to deal with persons trespassing on their platforms or premises, or obstructing the officials. Police can interfere in case of breach of peace, and they can take in charge drunken persons handed over to them.

Injuries to railways, and passengers using same, are dealt with under the Malicious Damage Act, 1861, and the Offences Against the Person Act, 1861 (see pages 177, 189).

Cheap Trains Act.—Police on duty are conveyed at special rates under the Cheap Trains Act, 1883.

Restitution.—This is a subject of some importance, and in all cases where a person has been found guilty of stealing, &c., any property, such property reverts in the owner, but with regard to goods obtained by fraud or other unlawful means not amounting to larceny, the property will not revert in the original owner by reason only of the conviction, nor in the case of valuable securities and negotiable instruments which have since they were stolen passed to third parties for good consideration without notice of any defect, nor in the case of prosecutions against trustees, factors, or agents, in respect of misappropriation, either under the Larceny Act, 1861, or the Larceny Act, 1901.

The proper course to adopt immediately after conviction in cases where restitution can be ordered is to apply to the court for such order, as otherwise complications may arise.

In cases of goods which have been pawned with a pawnbroker for not more than £10, the court may, under section 30 of the Pawnbrokers' Act, 1872, order restitution upon the owner paying to the pawnbroker the whole or part of the loan as may seem just, and in practice it will be generally found that where the pawnbroker has not been guilty of any improper conduct it will be more convenient for the parties to agree to divide the loss.

The Criminal Law Amendment Act, 1867, provides that upon conviction of a person for larceny or other offence which includes the stealing of property and such property has been sold to a person who had no knowledge that it was stolen, the court may, upon his application, and on the restitution of the stolen property to the owner, order out of moneys taken from the prisoner when arrested payment of a sum not exceeding the amount paid by such purchaser for the property.

It frequently happens that the police are in possession of property in connection with criminal charges, as, for example, in cases of acquittal of a prisoner on a charge of larceny, &c., and a person claims such property.

Under the Police Property Act, 1897, in such a case, the police or claimant may apply to a court of summary jurisdiction, who may order delivery of the property to the person appearing to be the owner, or may make such order as may seem proper.

Under section 44 of the Summary Jurisdiction Act, 1879, property taken from a prisoner charged before a court of summary jurisdiction must be returned by direction of the court if it be of opinion that such return can be made consistently with the interests of justice and the safe custody of the person.

Riot.—A riot is a tumultuous disturbance of the peace by *three or more persons* assembled together with intent to assist each other in the execution of some act, which they afterwards actually execute in a violent and turbulent manner to the terror of the people. The offence is a misdemeanour. If after so assembling they do not proceed to action, it is an “unlawful assembly” only. A “rout” is where they proceed to execute the act, but do not execute it.

The Riot Act, 1714, contains the following proclamation known as the “Riot Act,” which is to be read aloud by a justice, sheriff, mayor, bailiff, &c., in the presence of the rioters, silence being first commanded:—

“*Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations or their lawful business upon the pains contained in the Act made in the first year of the reign of the late King George the First for preventing tumultuous and riotous assemblies. ‘God save the King.’*”

The proclamation is to be read when *twelve or more persons* are “unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace.” Should the persons commanded to disperse continue together for *one hour* after reading of proclamation they shall be guilty of *felony* and are liable to arrest.

Public houses may be closed by order of two justices during a riot, or if a riot be anticipated.

In the event of the civil power being insufficient the justice may call upon the military to act, but this is, of course, only done when it becomes absolutely imperative.

By the Riot (Damages) Act, 1896, provision is made for claiming compensation for damage to property during riots.

Smuggling.—The Customs Laws Consolidation Act, 1876, authorises police, upon reasonable suspicion, to stop and examine any cart, waggon, &c., suspected of conveying smuggled goods. Such goods can be seized. Section 186 authorises detention of offenders. Penalty £100.

A penalty is also imposed by the Inland Revenue Act, 1881, upon persons resisting or obstructing persons, lawfully employed for the prevention of smuggling, in the execution of their duty.

Summary Jurisdiction Act, 1879.—The Summary Jurisdiction Acts, 1848 and 1879, regulate the procedure in courts of summary jurisdiction and extend to all summary convictions and orders for the payment of money.

Under the Act of 1879 the powers of justices to deal summarily with certain indictable offences were extended, and further extensions were made under subsequent Acts, including one passed in 1899, and the Children Act,

1908, whilst under the Criminal Justice Administration Act, 1914, further important alterations were made.

Under section 20 of the Act of 1879, two justices sitting in petty sessions, the Lord Mayor of the City of London, any alderman of the City of London, and any metropolitan or other stipendiary magistrate constitute a court of summary jurisdiction, and cases dealt with under the Summary Jurisdiction Acts must be heard in an open court. This statement is, however, subject to the provisions of section 11 of the Children Act, 1908, which provides for excluding at the hearing of charges before juvenile courts all persons other than the members, officers of the court, and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, including the press, except by leave of the court.

With regard to indictable cases, opinions differ as to whether a justice acting in relation to indictable offences is required to sit in open court, and the Secretary of State has advised that the justice need not examine the witnesses in such a case in open court.

Under the Act of 1879, justices were empowered to deal with certain indictable cases summarily, that is to say, in cases of children over seven and under fourteen years of age (except the offence of homicide) with the consent of parent or guardian, and certain

special powers have been conferred by the Probation of Offenders Act, 1907, and the Children Act, 1908.

With regard to young persons over fourteen and under sixteen years of age, the Act of 1879 empowers justices to deal summarily, if such persons consent, with certain offences, and the list given in that Act was extended by the Summary Jurisdiction Act, 1899, and the Children Act, 1908, also contains certain provisions, including a prohibition against sending a young person to prison unless it is certified that he is of so unruly a character that he cannot be detained in a place of detention, or is of so depraved a character that he is not a fit person to be so detained.

So far as regards adults (that is persons over sixteen years of age) the justices have power under the Act of 1879 to deal with certain indictable offences mentioned in the schedule as extended by subsequent Acts where the defendant consents, whether he plead guilty or not, where the value of the property concerned is not more than 40s., but under section 15 of the Criminal Justice Administration Act, 1914, which for these purposes will come into force on the 1st April next and for other purposes on varying dates, the value is increased from £2 to not exceeding £20.

Under section 13 of the Act of 1879 power is given to justices to deal with the cases mentioned where the value exceeded 40s., if

the defendant consents and pleads guilty, and the value of the goods is immaterial.

Section 15 of the 1914 Act repeals section 14 of the Act of 1879 under which a court could not deal summarily with any indictable offence specified in the first schedule, where, owing to a previous conviction on indictment, the offender is punishable with penal servitude. This is a very important provision as it often happens that an old thief is charged with a petty theft in respect of which the justices, strictly speaking, were, under section 14 of the Act of 1879, bound to send him for trial. They will now be able to deal with such a case and impose suitable punishment.

The Act of 1914 also deals with allowance of time for the payment of fines and provides for their enforcement, but in all cases unless there is special reason, such as the fact that the convicted person has the means to pay, or does not ask for time, or has no fixed abode, time must be allowed for payment.

Section 12 of the Act empowers the court in lieu of passing a sentence of imprisonment to order that the offender may be detained within the precincts of the court, or at any police station, till such hour not later than 8 p.m. on the day on which he is convicted, as the court may direct, such time not to be later than will give the offender reasonable opportunity of returning to his home on the same day.

By section 13 police custody is substituted for imprisonment in cases of short sentences so that if suitable places are available a convicted person may be ordered to be detained therein for not exceeding four days, and the Secretary of State may certify police cells, &c., to be suitable places. In case of places for females, provision must be made for supervision by female officers.

Under section 20 where an accused person is remanded and cannot attend by reason of illness or accident the justice may order a further remand, and in ordinary cases if the person charged and the prosecutor consent a remand may be for longer than eight days.

Section 21 empowers the taking of bail of a person arrested on warrant, if, when such warrant is issued, the justice by endorsement directs that the person named in it shall be bailed as stated.

Section 22 provides that in any case where a person has been arrested without warrant and the matter does not appear serious, such person may be released on bail to appear before a court at the time and place named in the recognizance, and if it will not be practicable to bring the offender before a court within twenty-four hours after arrest, he must, in cases which are not serious, be bailed.

Under section 36 no person shall be sentenced to be whipped more than once for the same offence.

Sunday.—The Sunday Observance Act, 1677, enacts that no drover, horse-courser, waggoner, butcher, higgler, or any of their servants shall travel or come to his inn on the Lord's Day, and that no tradesman, artificer, workman, labourer, or other person fourteen years of age or upwards, shall do or exercise any worldly labour, business, or work of his ordinary calling on the Lord's Day (works of necessity and charity excepted).

The Act also prohibits publicly crying and exposing for sale, wares, merchandise, fruit, herbs, or other goods, on the Lord's Day, but this prohibition does not extend to dressing meat in families, inns, cookshops, or victualling houses, or to selling milk before 9 a.m. or after 4 p.m.

PROCEDURE.—Proceedings must be commenced within ten days of offence, with the *consent in writing of the chief constable or two justices, or a stipendiary magistrate*. The justices who give such consent in writing cannot adjudicate on the case.

It is also an offence to make or bake bread or cakes on Sunday, or after 1.30 p.m. to sell or expose for sale bread, &c., or baking or delivering any meat, pudding, &c., or otherwise exercising the trade or calling of a baker (except setting the sponge for the following day's baking). Bread Act, 1836.

It is also unlawful for a butcher by himself or any one for him by his privity or consent

to kill or sell any victual on Sunday under a forfeiture of 6s. 8d. The offence must be committed in view of a justice or proved by the oath of two or more witnesses.

SPORTS AND PASTIMES.—There shall be no meetings, assemblies, or concourse of people out of their own parishes on the Lord's Day for any sports or pastimes whatsoever, nor any bear baiting, bull baiting, interludes, common plays, or any unlawful exercises and pastimes used by any person or persons within their own parishes.

Swearing.—By the Profane Oaths Act, 1745, any person profanely cursing or swearing is liable to a penalty, which varies according to the offender's degree and position: for a day labourer, common soldier, sailor, or seaman, 1s.; for any other person under the degree of gentleman, 2s.; of or above the degree of gentleman, 5s.; for second offence, double; third, treble. If proceedings be taken under this Act (which is seldom enforced) the information must be upon oath, and laid within *eight* days. Police are required to seize offender if unknown, and if known information must be laid speedily.

Telegraphs.—The Acts relating to telegraphs are cited as the Telegraph Acts, 1863 to 1911, and cover a large area. The Wireless Telegraphy Act, 1904, deals with the establishment without licence from the Postmaster-

General of a wireless telegraphy station, &c., and also prohibits the working of any apparatus for wireless telegraphy on a foreign ship whilst that ship is in territorial waters otherwise than in accordance with regulations made by the Postmaster-General.

Under the Defence of the Realm Act, 1914, power is conferred on His Majesty in Council to make regulations during the present war for the defence of the Realm, and a large number of regulations have accordingly been made dealing with, amongst other things, telegraphic and telephonic messages, &c.

Theatres and Music, &c., Licences.—The granting of licences in respect of places for the public performance of stage plays (which include tragedy, comedy, farce, dialogues and sketches, opera, burletta, interlude, melodrama, pantomime, or other entertainment on the stage, but not performances in booths or shows allowed by authority in any lawful fair, feast, or customary meeting of the like kind) was transferred from justices to county councils by the Local Government Act, 1888, but in pursuance of powers conferred by that Act many county councils have delegated their powers to the justices.

Under the Theatres Act, 1843, penalties are provided for:—

- (1.) Keeping any house, &c., for the public performance of stage plays without

authority by virtue of letters patent or licence from the Lord Chamberlain or justices;

(2.) Acting or presenting, or causing, &c., to be acted or presented, any part of a stage play in any place not being a patent theatre or duly licensed;

(3.) Performing new play before the same is duly allowed or after disallowance.

Licences are granted to the person who is the actual and responsible manager of the building.

With regard to the sale of intoxicating liquors at theatres, an excise licence may be granted without a justices' certificate or other authority, but no sale may take place during the period during which licensed premises in the district are required to be closed.

MUSIC, &c., LICENCES.—In places twenty miles and upwards from London, Westminster, and districts outside the administrative county of Middlesex, music, &c., licences are not necessary (except in the case of swimming baths as provided by the Baths and Wash-houses Act, 1899), unless in pursuance of a local Act, or unless Part IV. of the Public Health Acts (Amendment) Act, 1890, is in force, in which case a place shall not be kept and used (that is habitually used) for public dancing, singing, music, or other public entertainment, without a licence.

SUNDAY PUBLIC ENTERTAINMENTS.—Under the Sunday Observance Act, 1780, heavy penalties are provided for opening or using places for public entertainment or amusement, or for publicly debating any subject on Sunday, and to which persons are admitted by payment of money or by tickets sold for money.

Threshing Machines (Steam).—Under the Threshing Machines Act, 1878, it is an offence for any person to permit any threshing machine worked by steam or any motive power other than manual labour belonging to him or used for his service or benefit to be worked without the drum and the feeding mouth being kept sufficiently and securely fenced, so far as reasonably practicable and consistent with the due and efficient working thereof; and for a fireman, engineer or other person in charge to work or permit the machine to be worked without being fenced; and for any person during the working to remove any guard or fence. The onus of proving that he took all reasonable precaution is on the owner, &c. Penalty for neglect, £5.

A constable on reasonable cause has power of entry on premises to inspect the machine.

Towns Improvement Clauses Act, 1847.—Certain offences contained in this Act are incorporated with the Public Health Act, 1875

(sections 160, 169). The Act is in force in every urban sanitary district, and may be applied (under section 276) to rural sanitary districts.

A penalty of 40s. can be inflicted for various offences enumerated in the Act: defacing or failing to renew numbers on doors, failing to remove projection or obstruction after notice given, defective cellar covering in pavement, defective water spouts, &c., defective fence and hoarding, &c., unlicensed slaughter house.

Proceedings can only be taken by officers appointed under section 253 of the Public Health Act, 1875.

Towns Police Clauses Act, 1847.—This Act was passed to consolidate in one Act certain provisions then usually contained in Acts for regulating the police of towns, and by section 171 of the Public Health Act, 1875, sections 21 to 61, are made applicable to all urban districts, and may, with the consent of the Local Government Board, be applied to any rural district.

Under section 21 power is given to make orders for preventing obstructions in the streets during public processions, &c., and to give directions to constables for keeping order and preventing any obstruction in the neighbourhood of theatres, &c., and a person offending is liable to a penalty of 40s.

Section 22 gives power to regulate the route of persons drawing stage carriages, &c., near places of worship during hours of Divine service.

Section 24 provides for the impounding by the police or any person in the common pound of cattle found at large in any street, and the owner is liable to a penalty and the reasonable expenses of impounding and keeping the cattle, and, under section 25, if the penalty and expenses be not paid within three days, the cattle may be sold after seven days' notice have been given to the owner, if known; if not known, seven days' notice must be advertised in a local newspaper.

Section 26 provides the punishment for pound breach.

In respect of offences against section 28, a constable may take into custody, without a warrant, any person who within his view commits any of such offences, but where it is possible to do so, the constable should make a report with regard to the offence, so that proceedings may be taken by way of summons. The offences are as follows:—

Every person is guilty of an offence who in any street (which includes any road, square, court, alley and thoroughfare or public passage, or any place where the public have the right of access) to the obstruction, annoyance, or danger, of the residents or passengers:

Exposes for show, hire or sale (except in a market or market place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in case of accident), or cleans, dresses, exercises, trains or breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in case of accident when repair on the spot is necessary) ;

× Suffers to be at large any unmuzzled or ferocious dog. Or sets on or urges any dog or other animal to attack, worry or put in fear any person or animal.

Every owner of any dog who suffers such dog to go at large knowing, or having reasonable ground for believing it to be in a rabid state, or to have been bitten by a dog or other animal in a rabid state ;

Suffers any dog to be at large during any time specified in a public notice given by a justice directing dogs to be confined on account of suspicion of canine madness ;

Slaughters or dresses any cattle (except in the case of any cattle overdriven which have met with some accident and which are killed on the spot for the public safety, or other reasonable cause).

Every person having the care of any waggon, cart, or carriage, who rides on the shafts thereof, or who, without having reins and

holding the same, rides upon such waggon, &c., or on any animal drawing the same, or who is at such a distance from such waggon as not to have due control over every animal drawing the same, or who does not in meeting any other carriage keep his waggon, &c., to the left, or near side, or who, in passing any other carriage, does not keep his waggon, &c., on the right, or offside, of the road (except in cases of actual necessity or some sufficient reason for deviation), or who, by obstructing the street wilfully prevents any person or carriage from passing him, or any waggon, &c., under his care.

Every person who at one time drives more than two carts or waggons, and every person drawing two carts or waggons who has not the halter of the horse in the last cart or waggon securely fastened to the back of the first cart or waggon, or has such halter of a greater length from such fastening to the horse's head than four feet ;

× Furiously rides or drives any horse, carriage or cattle ;

Causes any public carriage, sledge, truck or barrow, with or without horses, &c., to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages and horses, &c., standing for hire in appointed place), and every person who by means of any

cart, carriage, sledge, truck or barrow, or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare ;

Causes any tree or timber or iron beam to be drawn upon a carriage without having sufficient means of safely guiding the same.

Leads or rides any horse or other animal, or draws any cart, &c., truck, or barrow, upon any footway, or fastens any animal so that it stands across or upon any footway ;

Places or leaves any furniture, wares or merchandise, or any cask, tub, or basket, &c., or places or uses any standing place, stool, bench, stall or show board on any footway, or places any blind, shade, awning or other projection over or along any footway at a less height than eight feet in every part from the ground ;

Places, hangs up, or exposes to sale any goods, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop or building, at which they are exposed so as to obstruct or incommode the passage of any person over such footway ;

Rolls or carries any cask, tub, hoop or wheel, or any ladder, plank, timber or log of wood upon any footway (except for loading or unloading any cart or carriage or for crossing the footway).

Places any line, cord or pole across any street, or hangs or places any clothes thereon.

× Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution ;

× Every person who wilfully and indecently exposes his person ;

× Every person who publicly offers for sale or distribution, or exhibits to public view, any profane or obscene book, paper, print, drawing, painting or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language ;

× Wantonly discharges any firearm or throws any stone or other missile, or makes any bonfire, or throws or sets fire to any firework ;

Wilfully and wantonly disturbs any inhabitant by pulling or ringing any door bell, or kicking at any door, or wilfully and unlawfully extinguishes the light of any lamp ;

Flies any kite, or makes or uses any slide upon ice or snow ;

Cleanses, hoops, fires, washes or scalds any cask or tub, or hews, saws, bores or cuts any timber or stone, or slacks, sifts or screens any lime ;

Throws or lays down any stones or other materials (except building materials so enclosed as to prevent mischief to passengers) ;

Beats or shakes any carpet, rug or mat (except door mats beaten or shaken before 8 a.m.) ;

Fixes or places any flower pot or box or other heavy article in any upper window without sufficiently guarding the same from being blown down ;

Throws from the roof or any part of any house or building any slate, &c. (except snow thrown as not to fall on any passenger) ;

Orders or permits any person in his service to stand on any window sill in order to clean, paint, or perform any operation upon the outside of such window, or upon any house or other building (except windows in the sunk or basement storey) ;

Leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window or covering of any vault or cellar, or does not sufficiently fence any area, pit, or sewer left open, or leaves such open area, pit, or sewer, without sufficient light after sunset to warn persons, from falling therein to ;
× Throws or lays any dirt, litter (which includes handbills scattered about the street), ashes, &c., on any street ;

Causes any offensive matter to run from any manufactory, &c. (except sand or other material in time of frost or in case of sickness, provided the same is removed as soon as possible) ;

Keeps any pigstye to the front of any street, not being shut out from the same by a

wall or fence, or keeps any swine near any street so as to be a common nuisance.

Under section 29 it is an offence for any person to be drunk and guilty of any riotous or indecent behaviour in any street, or to be guilty of any violent or indecent behaviour in any police station.

It should be noted that under section 81 of the Public Health Acts Amendment Act, 1907, any place of public resort or recreation ground belonging to or under the control of the local authority, and any unfenced ground adjoining or abutting on any street in an urban district shall be deemed to be a street for the purposes of section 29 of the Towns Council Clauses Act, and also for the purposes of the above offences marked x.

CHIMNEYS ON FIRE.—Under section 31 it is an offence for any person to wilfully set or cause to be set on fire any chimney, and if any chimney accidentally catch, or be on fire, the person occupying or using the premises is liable to a penalty unless he prove that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

HARBOURING CONSTABLES.—It is an offence under section 34 for any victualler or keeper of any publichouse, or person licensed to sell wine, spirits, &c., for consumption on the premises to knowingly harbour or entertain, or suffer to remain in his publichouse or place of

business, any constable when on duty, unless for the purpose of quelling any disturbance or restoring order.

BAITING ANIMALS.—Under section 36 every person who keeps or uses or acts in the management of any house, room, pit, or other place, for the purpose of fighting, baiting, or worrying any animals, and every person found on the premises without lawful excuse is liable to a penalty.

Sections 37 to 68 deal with hackney carriages and provide for licensing, &c., of such carriages and penalties for infringements. Power is also given to make byelaws for regulating hackney carriages.

Section 69 gives power to make byelaws regulating public bathing places.

Tramways.—Under the Tramways Act, 1870, any person wilfully obstructing or damaging a tramway is liable to a penalty of £5.

Trespass.—Mere entry on the land of another is not criminal, but refusal to leave may provoke a breach of peace calling for police interference.

The police may aid an occupier to turn out of his house or premises a trespasser who refuses to leave, having no right there.

The constable should carefully enquire as to the real facts of the case before assisting; unless some criminal charge be involved, there

is no authority to arrest for the trespass, nor can police interfere where claim of right or title is set up.

Uniforms Act, 1894.—Penalties attach to the unauthorised wearing of military uniform. Exceptions are made in certain cases—bands, stage dress, &c.

Vagrancy.—The Vagrancy Act, 1824, divides vagrants into three separate classes, viz., (1) idle and disorderly persons, (2) rogues and vagabonds, and (3) incorrigible rogues; upon a second conviction as an idle and disorderly person the offender may be dealt with as a rogue and vagabond, and a person committing an offence rendering him liable to be dealt with a second time as a rogue and vagabond may be convicted as an incorrigible rogue and committed to quarter sessions for sentence.

The following are offences:—

Every person wandering abroad and placing himself or herself in any public street, highway, court, or passage, to beg or gather alms, or causing, or procuring, or encouraging any child so to do.

Persons seeking assistance under exceptional circumstances are not within the Act, which was intended to deal with habitual vagrancy.

Every person wandering abroad or lodging in any barn or outhouse, &c., or in the open air, or under a tent, cart, or waggon,

having no visible means of support, and not giving a good account of himself or herself.

Common prostitutes wandering in the public streets, public highways, or in any place of public resort, behaving in a riotous or indecent manner.

Neglecting to maintain family.

Fraudulent application for relief.

Woman neglecting to maintain bastard child.

Pedlar trading without licence.

Exposing wounds or deformities to obtain or gather alms.

Deserting family.'

Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence. [This covers begging-letter impostors.]

Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place, to which the public have or are permitted to have access at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument, or means of such wagering, or gaming at any game or pretended game of chance. (Vagrancy Act Amendment Act, 1873.)

Every person found in the possession of picklock keys or other instruments of

housebreaking with intent feloniously to break into any house or other building.

Every person found in or upon any dwellinghouse, warehouse, coachhouse, stable, or outhouse, or in any enclosed yard, garden, or area for any unlawful purpose.

Every person exposing to view in the street any obscene print or exhibition.

Every person being armed with any gun, pistol or other offensive weapon, or having upon him any instrument with intent to commit felony.

Every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near, or any street, &c., place of public resort, or place near, with intent to commit felony.

Any person in any street, public thoroughfare, or in view thereof, or in any place of public resort, wilfully and indecently exposing his person with intent to insult a female.

Resisting apprehension.

Male person trading on prostitution.

FORTUNE TELLING.—This offence has been dealt with under the heading "Palmistry." page 196.

ARREST.—Any person may apprehend any one found offending against Vagrancy Act.

A constable neglecting his duty under Act is liable to a penalty of £5, and it is an offence to disturb or hinder a constable.

INCORRIGIBLE ROGUES.—The following persons are liable to conviction as incorrigible rogues, and to be sent to quarter sessions for sentence :—

Vagrants breaking out of confinement.

Person convicted for second time as rogue and vagabond.

Person apprehended as rogue and vagabond and violently resisting apprehension, if convicted as rogue and vagabond.

TRADING ON PROSTITUTION.—The Vagrancy Act, 1898, enacts that every male person who knowingly lives wholly or in part on the earnings of prostitution, or in any public place persistently solicits or importunes for immoral purposes, shall be deemed a rogue and vagabond. A warrant may be granted for searching premises and arresting male persons.

Where a male person is proved to live with or be habitually in the company of a prostitute and has no visible means of subsistence he shall, unless he satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution. Vagrancy Act, 1898, and the Criminal Law Amendment Act, 1912.

Every female who is proved to have for the purposes of gain, exercised control,

direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution, is liable to a conviction as a rogue and vagabond.

Weights and Measures.—The Weights and Measures Acts, 1878, 1889 and 1904, contain a large number of provisions with reference to weights, weighing machines, &c., and are enforced by officers specially appointed, to whom offences should be at once reported.

The following are amongst the matters dealt with by the Acts :—

Sale by any denomination of weight or measure other than one of the imperial weights or measures or some multiple or part thereof.

Avoirdupois weight to be used except in respect of gold, &c., which may be sold by troy weight, or drugs sold by retail by apothecaries' weight.

Use or possession of unauthorised weights or measures :—

Use or possession for use for trade weights, weighing machine, measures, &c., which are false or unjust.

Fraud in use of any such weights, &c.

Making or selling false weights, &c.

Unstamped weights and measures, and weighing machines.

Lead or pewter weights.

Coin weights.

Forgery of stamps.

Refusing to produce for inspection weights, measures, &c., or obstructing or hindering a justice or inspector.

Misconduct by inspector.

Sale of coal otherwise than by weight.

Failure to deliver weight ticket on delivery of over two hundredweight of coal.

Carter refusing or neglecting to show weight ticket to inspector.

Failing to mark tare weight of vehicle thereon or to insert same in weight ticket.

Fraud by drivers of coal carts.

Fraudulently delivering less coal than agreed to be sold (in cases where sale is of less weight than two hundredweight).

Failing to keep weighing instrument in places where coal is sold by retail.

Obstructing weighing or re-weighing of coal by inspector.

Selling load, &c., of coal of less weight than that represented.

Obstructing or hindering inspector.

EXAMINING AND ADJUSTING.—Inspectors are required (once in twelve months at least) to go round their districts to examine all weights and measures brought for adjustment, due notice being given to traders.

An inspector should subsequently, at uncertain periods, visit towns and villages in district to inspect weights and measures.

A weight (provided it is a copy of the Board of Trade standard) can only be considered an illegal weight when it is found to be *false or unjust* or when *not stamped* with the inspector's stamp of verification; and an old stamp of verification must be recognized, although the mark may have become almost obliterated by use.

Wife (Immunity).—A wife cannot be convicted of larceny, burglary, or forgery committed in the presence of her husband, as she is presumed by law to have acted under his coercion; but this presumption may be rebutted. In treason, murder, homicide, perjury, and in misdemeanours generally, this "coercion" will not avail her. By common law a married woman cannot be convicted of stealing goods belonging to her husband, but this has been modified by the Married Women's Property Act, 1882.

Women and Girls.—The Criminal Law Amendment Acts, 1885 and 1912, provide for the protection of women and girls, for the suppression of brothels, and other matters. The provisions of the Children Act, 1908, have already been dealt with.

PROCURATION.—Under the Act the "procuration" of any woman or girl, for immoral purposes is an indictable misdemeanour.

To procure or attempt to procure the defilement of same by threats, fraud, or drugs is indictable.

DEFILEMENT.—The defilement of a girl under thirteen is felony. The attempt is a misdemeanour, as is also the defilement of a girl between thirteen and sixteen.

IDIOTS.—It is a misdemeanour to unlawfully and carnally know or attempt to know any female idiot or imbecile woman under circumstances not amounting to rape.

A householder who permits the defilement of young girls on his premises is guilty (in cases where the girl is under thirteen years of age) of felony; if over thirteen and under sixteen of misdemeanour.

PERSONATING HUSBAND.—Section 4 of the 1885 Act declares an offender guilty of rape who induces a married woman to permit him to have connection with her by “personating” her husband.

ABDUCTION.—Under section 7 of the Act of 1885 the abduction of any unmarried girl under eighteen with intent to have carnal knowledge of same is a misdemeanour.

DETENTION.—Section 8 deals with the detention of any woman or girl on any premises or in any brothel against her will with intent to have carnal knowledge of same.

A *proviso* in this section prohibits any legal proceedings being taken against any woman or girl who having been deprived of her wearing apparel is subsequently *found in possession*

of any such apparel as was necessary to enable her to leave such premises or brothel.

WARRANT.—Warrants may be issued to search for any woman or girl supposed to be detained for immoral purposes.

GROSS INDECENCY.—Section 11 relates to acts of gross indecency by male persons.

Section 12 enables court to provide for “custody of girl” in cases where parents or guardians have proved unworthy custodians.

BROTHELS.—Under section 13 any person who keeps or manages a brothel (which is a place to which persons of opposite sexes are allowed to resort for illicit intercourse), or being the occupier, &c., of any premises allows them to be used as a brothel, or for the purposes of habitual prostitution, or being landlord or agent lets premises for such purpose shall, on summary conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty of £20, or imprisonment for three months; second conviction £40, or four months. Under section 13 of the 1912 Act on a third or subsequent conviction the penalty is not exceeding £100 or imprisonment for not exceeding twelve months, with or without hard labour, and the offender may be ordered to find sureties and in default to be further imprisoned for not exceeding three months.

NOTES ON AMBULANCE WORK.

“ FIRST AID TO THE INJURED.”

Ambulance work under the above title has been for some time in vogue amongst police forces, and many officers wear badges for which they have to qualify by examination after attendance at classes.

The following notes from a “ Handbook on First Aid to Injured,” by Robert Bruce, St. John Ambulance Association, Clerkenwell, E.C., revised by Mr. A. Davenport Knight, M.R.C.S., &c., on the subject are here inserted.

Always move gently and slowly ; a simple fracture may be turned into a compound one ; or a person suffering from shock after an injury may die of heart failure if moved roughly.

ACCIDENTS.

In all cases of accidents or sudden illness in the streets the police should afford all necessary assistance, prevent crowding, give “ air,” undo tight clothing, secure sufferer from annoyance, and if injury be serious send for medical aid ; in cases of fracture, before moving secure part in splints : these may always be formed of sticks, wood, or an umbrella.

HÆMORRHAGE.

Hæmorrhage or bleeding may be—

Arterial.—Where blood “spurts” *bright* red, apply pressure. **Venous.**—Where blood “wells” up *dark* red, apply cold pad of lint and bandage; keep limb raised above level of head if possible. **Capillary.**—From *scratch* or graze; apply cold wet rag.

If blood be vomited, give ice to suck; give no food or drink. In nose bleeding raise head, cold application to forehead.

WOUNDS.

Cleanse wounds by careful washing before dressing; draw parts together, and keep in place with strips of plaster. If organ protrude cover lightly with warm wet flannels.

FRACTURES.

“Simple,” where bone only is broken.

“Compound,” where broken bone protrudes.

In examining, handle very gently; leave clothes on for warmth and padding. If movement necessary, attach something firm (as splints) to prevent bone moving. Endeavour to stop bleeding.

Collar Bone.—Sign: inability to raise arm. *Treatment:* place rolled handkerchief in armpit; raise arm in sling.

Fore Arm.—Bend limb, keeping thumb up; apply two splints, one inside, one out. There

being two bones (ulna and radius) fracture of *one* only is not always perceptible.

Ribs.—Signs : Pain when taking breath or coughing ; ends of bones may be felt. Tie bandages firmly round chest.

Leg (Thigh).—Place long splint (broom handles, &c.) from armpit to foot ; tie firmly to body by bandage passing round chest, and above and below fracture, and also in two places below the knee.

DISLOCATION

Is distinguishable from fracture by injury occurring *at joint* ; limb becomes immovable ; there is no “crepitus” or grating sensation ; send at once for medical aid.

SPRAINS.

If there be great pain, a hot bath and foment taken, with complete rest ; ordinary cold water and compress ; elevate the limb.

The above treatments can of necessity be of only a very temporary nature, and qualified medical aid should always be summoned as early as possible.

INSENSIBILITY.

Syncope and Fainting.—If a person has fainted, give air ; loosen clothing ; place prostrate, head on level with body, lower than body if possible, and feet and legs as high as

possible ; give stimulant ; if exhausted from hunger give warm milk in sips, then beef tea or wine. If suffering from shock after injury, keep warm—wrap in blankets—hot-water bottles to extremities.

Hysterical Fits.—Threaten to drench with water, keep quiet, and exclude friends.

Apoplexy.—Signs : insensibility, stertorous breathing, irregular pupils, paralysis in one or both limbs of one side. — *Treatment* : place prostrate, head slightly raised : loosen clothing ; keep head cool, and feet warm ; give no stimulant or anything by the mouth.

Epilepsy.—The person seized with fit, generally screams, faints, and falls, hands clenched, limbs jerk, mouth foams. — *Treatment* : do not restrain movements, but prevent injury especially to tongue by putting piece of wood between the teeth ; allow sleep after fit.

Concussion of Brain.—Patient is pale, breathes slowly, eyes shut : probably vomits. Keep feet and hands warm ; if a child, let it sleep ; in severe cases, treat as for apoplexy. *No stimulants.*

Sunstroke.—Apply ice or cold water to head ; avoid stimulants.

NOTE.—It may be a help to remember the vowels of the alphabet on finding a person insensible or partly so, suggesting the following possibilities as to cause :

(a) Alcohol or Apoplexy. (e) Epilepsy.
(i) Insolation (sunstroke). (o) Opium poisoning.
(u) Uræmia (kidney disease).

FOREIGN BODIES IN EAR.

Send for doctor ; do not poke the ear with pins, &c.

BITES OF ANIMALS.

If animal healthy, wash wound well with cold water ; if rabid, apply tight ligature heart side of wound, wash thoroughly, wound should then be *cauterised* ; give brandy.

Adder or Snake Bite.—Apply strong ammonia ; tie ligature between wound and heart ; give brandy.

BURNS, SCALDS, &c.

Exclude air by dredging with flour if skin is *unbroken* ; if otherwise, cover burn with very clean rags to keep out the air, and send at once for medical aid. In case of person catching fire, wrap in rug, blanket, or coat.

To pass through dense smoke, dip a handkerchief in water and tie round the head, covering mouth and nostrils. In case of fire from lamp explosion throw sand or flour on the blazing oil—never water.

Frost Bite —Avoid sudden change of temperature. Place in cold room, then in warmer one ; rub body with snow or cold cloths, then with warm cloths.

STRANGULATION.

Choking.—Endeavour with finger to hook out obstacle, or try to make patient vomit, which can be done by placing on back, kneeling on stomach, and striking on cheek.

Hanging.—Cut rope at once, commence artificial respiration if necessary.

POISONS AND ANTIDOTES.

Antidotes.—As a “first aid” treatment in cases of poisoning emetics are generally resorted to. A simple emetic can be made by dissolving a teaspoonful of *made* mustard in a tumbler of warm water, or a tablespoonful of salt similarly mixed.

Poison by Phosphorus (Matches, rat poison).—Give emetic, then barley water or milk, *but never oil*.

By Opium (Laudanum).—Give mustard or salt emetic; prevent sleep by walking patient about, or flicking bare feet with wet towel; give strong black coffee; dash cold water on head and face.

By Carbolic Acid.—Mouth smells of tar; give olive oil, tablespoonful.

[*By Order in Council, Carbolic acid (with certain exceptions) is declared a poison under the Pharmacy Act, 1868.*]

By Oxalic Acid.—Give chalk or whiting mixed in water.

Alcoholic Poisoning (Drunkenness).—Give emetic (salt or mustard), and repeat if ineffectual; after vomiting, patient should sleep; keep warm; hot tea is a good stimulant; a drunken person can be roused by rubbing his ears, but this treatment may cause him to strike out.

ARTIFICIAL RESPIRATION.

This should be employed when breathing has become very feeble or has ceased, as in cases of hanging, drowning, suffocation, &c. [Persevere in efforts until arrival of medical aid, or until pulse and breathing have ceased for two hours or more.]

Directions for restoring the apparently drowned.—The following directions are those of Professor E. A. Schäfer, F.R.S., &c., Professor of Physiology in the University of Edinburgh, and have been adopted by many bodies. (Dr. Silvester's method which was set out in the last edition is also adopted by many bodies.)

Send immediately for medical assistance, blankets, and dry clothing, but proceed to treat the patient *instantly* on the spot.

The points to be aimed at are—first and *immediately*, the *restoration of breathing*; and secondly, after breathing is restored, the *promotion of warmth and circulation*.

The efforts to *restore breathing* must be commenced immediately the patient is removed

from the water—no time should be lost in removing or loosening clothing—and persevered in energetically for two or three hours or until a medical man has pronounced life to be extinct. Efforts to promote *warmth and circulation* must be postponed until after the first appearance of natural breathing.

Treatment. — Immediately after removal from the water, lay the patient face downwards with the arms extended. Turn the face to the side. Kneel or squat astride or on one side of the patient.

Place the hands on the small of the patient's back, one on each side, with the thumbs parallel and nearly touching.

Bend forward with the arms straight so as to allow the weight of the operator to bear on his wrists and thus make a steady, firm, downward pressure on the lower part of the patient's back (the loins and lowest ribs). (This part of the operation should occupy the time necessary to count—slowly—*one, two, three.*)

Immediately after making the downward pressure, the operator should swing backwards so as to relax the pressure, but without lifting his hands from the patient's body. (This part of the operation should occupy the time necessary to count—slowly—*one, two.*)

Repeat the forward and backward movements (that is, the pressure and the relaxation of pressure) without any marked pause

between the movements. The downward pressure forces the air out of the lungs and the relaxation of pressure causes the air to be drawn in again.

Continue the movements at the rate of about twelve per minute until natural breathing has recommenced.

When natural breathing is fairly begun, cease the movements. Watch the patient closely, and, if natural breathing ceases, repeat the movements as before.

When natural breathing has commenced, the patient should be allowed to lie in a natural position on one side, and treatment for the promotion of warmth and circulation may be proceeded with.

The movements of artificial breathing are of the first consequence. If the operator is single-handed, he must attend to these alone until natural breathing is restored. If other assistance is at hand, a dry and warm covering may be placed over the patient and warm wrung-out flannels, hot bottles, &c., may be applied between the thighs, and to the armpits and feet; but the movements of artificial breathing must not be interfered with.

After natural breathing is restored, the wet clothing may be removed and a dry covering substituted. This must be done without disturbing the patient, who should be allowed to lie quiet, and watched, for at least an hour, and encouraged to sleep.

Treatment after natural breathing has been restored.

To promote warmth and circulation.—Commence rubbing the limbs upwards, with firm grasping pressure and energy, using handkerchiefs, flannels, &c. : [*by this measure the blood is propelled along the veins towards the heart.*]

Dry the hands and feet ; and as soon as dry clothing or blankets can be procured, strip the body and cover, or gradually reclothe it. The friction must be continued under the blanket or over the dry clothing.

Promote the warmth of the body by the application of hot flannels, bottles, or bladders of hot water, heated bricks, &c., to the pit of the stomach, the armpits, and to the soles of the feet.

On the restoration of life, when the power of swallowing has fully returned, small quantities of warm coffee, or tea, or milk, or broth, or other light warm nourishment, should be administered. The patient should be kept in bed, and a disposition to sleep encouraged.

General observations.—The above treatment should be persevered in for two or three hours, as it is an erroneous opinion that persons are irrecoverable because life does not soon make its appearance.

Appearances which generally accompany death.—Breathing and the heart's action cease entirely ; the eyelids are generally half-

closed; the pupils dilated; the jaws not clenched; the fingers semi-contracted; the tongue approaches to the under edges of the lips, and these, as well as the nostrils, are covered with a frothy mucus. Coldness and pallor of surface increase.

Cautions.—Prevent unnecessary crowding of persons round the body, especially if in an apartment.

Avoid rough usage.

Under no circumstances hold the body up by the feet.

On no account place the body in a warm bath unless under medical direction, and even then it should only be employed as a momentary excitant.

Spirits are on no account to be given without direct medical orders, as the giving of spirits may lead to a fatal result.

SQUAD DRILL.

In previous editions of this work some extracts have been given with regard to squad drill from the military manual entitled "Infantry Training."

It is, however, considered unnecessary to insert a chapter upon the subject in the present issue, and constables desiring to obtain special information upon the matter are referred to the above manual, which can be obtained from Messrs. Shaw & Sons, Fetter Lane, E.C., at the price of 1s. 1½d., post free.

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